STATUTES OF CALIFORNIA

1957

REGULAR SESSION

Began Monday, January 7, 1957, and Adjourned
Wednesday, June 12, 1957

STATUTES OF CALIFORNIA

PASSED AT THE 1957 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to add Section 1017 to the Education Code, relating to the Public School System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 16, 1957. Filed with Secretary of State January 16, 1957.] In effect immediately

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

SECTION 1. Section 1017 is added to the Education Code, to read:

1017. When an invitation to participate in the public events held in the District of Columbia for the inauguration of the President of the United States has been extended by the persons or officials in charge of such events to the school band of a school district or to the governing board of such district on behalf of such band, the governing board of the district may accept such invitation and authorize the pupils constituting such band and teachers and other employees of the district to participate in such event. The governing board authorizing such participation may, subject to the provisions of this section, expend district funds for the purpose of paying the actual and necessary traveling expenses of such pupils, teachers, and other school district employees and other persons who accompany such pupils as chaperones. Such traveling expenses shall include the expense of transportation, food, and lodging. Inaugural invitation Acceptance, etc.

The governing board may provide, or make available, medical or hospital services, 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 arising out of accidents occurring at the place where such event is held during the time such pupils are participating in such event or while traveling to and from the place where such event is held or at any other place during the time such pupils are away from their homes for the purpose of participating in such event or traveling to and from such other place. No pupil 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 by the insured pupil or his parent or guardian. Such insur- Medical or hospital services

ance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

Gifts

The governing board may not expend any district funds for the purposes authorized by this section unless, prior to the departure of the band to participate in such event, the governing board has received gifts of money in an amount sufficient to pay the cost of the traveling expenses and insurance or membership, referred to above. The governing board may accept and expend gifts of money for the purposes of this section.

Absence

The time for which pupils are absent from school for the purpose of participating in such event or traveling to and from the District of Columbia for such purpose shall be an absence and in no event shall such time be considered as attendance in computing average daily attendance.

This section shall have no force or effect after February 5, 1957.

Urgency

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

The Arcadia High School Apache Band, which has won many honors, has been extended an invitation to participate in the inaugural parade in Washington, D. C., on January 21, 1957. Under the existing law, the governing board of the district cannot accept this invitation and send the band and the necessary school personnel to Washington for this purpose. Sufficient public donations have been made to the Arcadia High School to defray the costs of sending the Arcadia High School Apache Band and other personnel to Washington, D. C. for the foregoing purpose and this legislation will permit expenditure of such funds which have been deposited in school funds. This act would authorize the governing board to do so. In order that the governing board may accept this invitation and allow the Apache Band to represent the public schools of this State in the inaugural parade on January 21, 1957, it is necessary that this act take effect immediately.

CHAPTER 2

An act to validate the organization, boundaries, acts, proceedings, and bonds of municipal utility districts, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor January 29, 1957. Filed with Secretary of State January 29, 1957.]

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a municipal

utility district 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 district, and all instruments payable from revenues or special funds of such municipal utility districts, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All municipal utility districts 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 municipal utility district. Every such municipal utility district shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a municipal utility district regularly formed pursuant to law.

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

SEC. 4. All acts and proceedings heretofore taken by any municipal utility district under any law, or under color of any law, for the annexation or inclusion of territory into any such municipal utility district or for the annexation of any such municipal utility district to any other such municipal utility district or for the withdrawal or exclusion of territory from any such municipal utility district are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such municipal utility district 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.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any municipal utility district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such municipal utility district 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 municipal utility district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any municipal utility district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the municipal utility district. 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 municipal utility district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any municipal utility district 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 municipal utility district.

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

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

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

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

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.

SEC. 8. This act may be cited as the Municipal Utility District Validating Act of 1957.

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 municipal utility districts, and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of municipal utility districts, and upon the validity of acts, proceedings, and bonds of municipal utility districts, 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 services and facilities provided by municipal utility districts;

(2) Public works and construction by municipal utility districts can be commenced and continued without delay or restriction to provide services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) Municipal utility districts can issue and sell bonds heretofore authorized for the purpose of providing services 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 municipal utility districts or in

the authorization of such bonds, which defects will be cured by this act.

CHAPTER 3

An act to add Section 31672.5 to the Government Code, relating to eligibility for retirement of certain county employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1957. Filed with Secretary of State January 31, 1957.] In effect immediately

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

SECTION 1. Section 31672.5 is added to the Government Code, to read:

31672.5. Notwithstanding any other provision of this chapter, when any member of a retirement system of any other public agency becomes a member of a county retirement association, established pursuant to this chapter, as a result of the transfer to and assumption by the county of any function of the other public agency, and the member retains rights in the retirement system of the other public agency in respect to service theretofore rendered to that agency, such member shall be eligible for retirement under the county retirement system at any time at which he would have been eligible for such retirement if the service rendered to the other public agency had been rendered instead to the county. A certificate of any officer of the other public agency authorized to determine service rendered to that agency that certain service was rendered to such agency shall be accepted by the retirement board of the county retirement association as prima facie evidence of service so rendered. County Retirement: Membership

This section shall be applied only to enable such members of county retirement systems to qualify for retirement. Nothing in this section entitles any member of a county retirement system to any pension or other benefit based upon service rendered to any other public agency, but such a member upon his retirement shall be entitled to a retirement allowance under the county retirement system, calculated according to the formula applicable under such system, and on the basis of his county service even though such service be less than the minimum county service required for retirement under such system. The provisions in this chapter for minimum retirement allowances, shall not apply to any retired person who would not have qualified for retirement without including under this section service rendered to such public agency, nor shall such provisions apply unless the sum of the retirement allowances to which such person is entitled under the county retirement system and the retirement system of the other public agency, is less than the otherwise applicable minimum allowance under such provisions. Application

Operative date

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution making it operative in the county.

Urgency

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

At the election held November 6, 1956, the voters of Sacramento directed the consolidation of the health services of the City of Sacramento and the County of Sacramento, provided for the transfer of officials and employees from the City Health Department to the Health Department of Sacramento County effective February 1, 1957, and provided further that the combined county and city retirement and death benefits of the transferred personnel who should elect to retain membership in the city retirement system should not be less than the benefits to which they would be entitled if they had continued in the service of the city. However, no provision was made or exists whereby the eligibility for retirement of members under the mandatory age of retirement continues, so that persons who, prior to the transfer, were eligible for service retirement, or would shortly become so eligible, must now render at least 10 years of service to the county before becoming eligible for retirement, unless they sooner attain age 70. To render such persons eligible for service retirement at the time they would have been eligible if the consolidation and transfer had not taken place, and so to prevent individual hardship and the impairment of the health service by the retention in active service of unwilling and superannuated employees, it is necessary that this act take effect immediately.

CHAPTER 4

An act to amend Section 262 of the Revenue and Taxation Code, relating to the church exemption, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor January 31, 1957. Filed with Secretary of State January 31, 1957.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955 or 1956 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made

pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

No amount shall be canceled or refunded pursuant to this section unless the person or organization otherwise entitled to such cancellation or refund has first complied with the provisions of Section 32 of this code, relating to the loyalty declaration.

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:

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

CHAPTER 5

An act to add Section 32002.5 to the Health and Safety Code, relating to hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 31, 1957. Filed with Secretary of State January 31, 1957.] In effect immediately

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

SECTION 1. Section 32002.5 is added to the Health and Safety Code, to read:

32002.5. Notwithstanding the provisions of Section 54902 of the Government Code, local hospital districts formed under this division may file the statement and map or plat required by Section 54902 of the Government Code on or before March 1, 1957, for the Fiscal Year 1957-1958.

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:

It is imperative that districts which are now in the process of formation be empowered to function as soon as possible. It will be impossible for many such proposed districts to complete their formation process in time to comply with the February 1st date specified in Section 54902 of the Government Code in order to levy taxes for the 1957-58 tax year.

This act would give such districts additional time to complete their formation process and thereby enable them to serve the vital purposes for which they are being formed.

CHAPTER 6

An act to amend Section 796.6 of the Agricultural Code, relating to citrus fruits, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.]

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

SECTION 1. Section 796.6 of the Agricultural Code is amended to read:

Containers—Number and size of oranges, grapefruit and lemons

796.6. The count of oranges, grapefruit and lemons when packed or placed loose without packing in standard container number 58 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A below for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges		Grapefruit		Lemons	
Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.
24	4.370	9	6.200	63	2.925
32	3.970	12	5.640	75	2.775
40	3.680	14	5.350	90	2.625
50	3.420	16	5.120	105	2.475
63	3.170	18	4.920	126	2.345
75	3.000	23	4.540	135	2 270
88	2.840	27	4.270	150	2.190
100	2.720	32	4.030	180	2.065
108	2.640	36	3.880	216	1.940
110	2.625	40	3.740	221	1.920
126	2.500	48	3.530	245	1.850
144	2.375	64	3.170	270	1.800
172	2.250	80	2.900	294	1.750
196	2.150	88	2.840	319	1.685
210	2.070	--	---	343	1.640
221	2.050	--	---	---	---
245	1.980	--	---	---	---
270	1.920	--	---	---	---

Oranges, grapefruit and lemons when placed loose without packing in standard container number 58 must be placed in

the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be equal to the count marked with a permissible count in excess not exceeding 8 percent.

The count of oranges, grapefruit and lemons when packed in standard container number 58 must be equal to the count marked with a permissible count in excess not exceeding 5 percent

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

It is essential to enact this new schedule of grapefruit sizes to permit the California citrus industry to meet the current requirements of purchasers of this important California commodity. A new packing season for grapefruit will begin in the month of May. In order to permit the industry to make the necessary equipment changes to switch over to these new sizes for the forthcoming shipping season, it is necessary that these new sizes go into immediate effect.

CHAPTER 7

An act to add Section 263 to the Revenue and Taxation Code, relating to the welfare exemption in its application to hospitals, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.] In effect immediately

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

SECTION 1. Section 263 is added to the Revenue and Taxation Code, to read:

263. Any tax, or any penalty or interest thereon, for any fiscal year commencing during the calendar year 1956 on any property of a hospital as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

No amount shall be canceled or refunded pursuant to this section unless the person or organization otherwise entitled to such cancellation or refund has first complied with the provisions of Section 32 of this code, relating to the loyalty declaration.

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:

Some hospitals have inadvertently failed to file the required affidavit in support of the welfare exemption which is applicable to their property and, as a consequence, are now confronted with obligations which, if met, will substantially injure their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, it will fulfill the public policy of the State expressed through such exemption and thereby benefit the people generally.

CHAPTER 8

An act to amend Section 4985 of, and to add Section 4992 to, the Health and Safety Code, relating to sewer revenue bonds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.]

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

SECTION 1. Section 4985 of the Health and Safety Code is amended to read:

Sewer revenue bonds Costs

4985. The cost of the acquisition or construction of the works for which bonds may be issued includes all of the following:

(a) The cost of all property, rights, easements, and franchises deemed necessary or convenient therefor.

(b) Engineering, clerical, legal, financial, paying and fiscal agent's fees and expenses, cost of bond proceedings, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve (12) months after completion of construction.

(c) All other expenses connected with or incident to the works in the operation and performance of the acts required by this chapter to be done.

SEC. 2. Section 4992 is added to said code, to read:

Ordinance

4992. In the ordinance authorizing the issuance of the bonds, provision may be made, but are not limited to provisions:

(a) That all or part of the bonds are callable, the manner of the call and the premiums to be paid thereon;

(b) That all or part of the bonds are payable at the office of a paying or fiscal agent, within or without the State, and for the payment of fees therefor;

(c) For the pledge of revenues, its nature, and its parity with other sewer revenue bonds issued or to be issued;

(d) For the percentage that annual net revenues shall bear to bond and interest payments;

(e) For reserve, surplus and other funds usual in the issuance of revenue bonds;

(f) For the duties and obligations of the district;

(g) For the remedies of bondholders, which may be in addition to those provided herein;

(h) For the manner of amending or abrogating the bond ordinance or refunding any or all bonds thereunder;

(i) For occurrences in the event of default and the rights and remedies arising therefrom; and

(j) For usual and customary covenants for the security and protection of the payment of the bonds.

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 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 communities this growth has caused facilities for sanitation to be overtaxed or has required providing for facilities where none have existed. The provisions of this act are for the issuance of sewer revenue bonds for these purposes and are particularly appropriate and alleviate the requirement for general property taxes. Proceedings are pending in various places for the issuance of bonds under this act in which the facilities are in great need and for which the act is in need of greater clarification.

CHAPTER 9

An act to add Section 9705 to Article 1 of Chapter 7 of Division 2 of Title 2 of the Government Code, relating to legislative publications.

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.] In effect September 11, 1957

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

SECTION 1. Section 9705 is added to the Government Code, to read:

9705. The general officers of the Assembly whose names and titles shall appear on the frontpiece of all publications sponsored in whole or in part by the Assembly, are:

(a) The Speaker

(b) The Speaker pro Tempore.

(c) The Majority Floor Leader

(d) The Minority Floor Leader

(e) The Chief Clerk.

CHAPTER 10

An act to amend Section 13104 of the Government Code, relating to real property belonging to the State, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.]

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

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

13104. With the consent of the state agency concerned, the director may execute grants to real property belonging to the State in the name and upon behalf of the State to the United States of America or to the Regents of the University of California in exchange for lands of either of the latter or for such other considerations, as the director deems are in the best interests of the State.

Real property acquired by the State by exchange pursuant to this section is subject to the laws governing real property of the class to which it belongs.

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 Article IV of the Constitution, and shall go into immediate effect. The facts constituting the urgency are:

The former campus of San Francisco State College has been standing idle for some time and is increasingly subject to serious damage and rapid deterioration, while the University of California is in urgent need of expanded quarters for its extension activities and is seeking to secure the idle campus for this and other university uses. Also, San Francisco State College cannot proceed with certain of its programs until the university's present extension quarters in San Francisco are made available for such use by exchange for the old campus. In order to authorize this exchange and to serve these important public needs as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 11

An act to amend Section 113 of the Revenue and Taxation Code, relating to solvent credits that are subject to property taxation; declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.]

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

SECTION 1. Section 113 of the Revenue and Taxation Code is amended to read as follows:

113. "Solvent credits" means all credits except notes, bonds, debentures and intercorporation debts, either between parent and subsidiary corporations or between subsidiaries of the same parent corporation, whether the subsidiaries are wholly or partially owned.

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

On November 30, 1956, the Attorney General of California issued an opinion, No. 56-230, to the State Board of Equalization, expressly reversing his opinion of August 23, 1935, No. 10147, and holding that intercorporation debts, either between parent and subsidiary or between subsidiaries of the same parent corporation, are solvent credits subject to the general property tax on solvent credits. Inasmuch as intercorporation debts are generally incurred to enable investment in real property and tangible personal property, which in turn are subject to property taxation, this decision will mean that corporate enterprises domiciled in California will be subjected to substantial double taxation. Noncorporate enterprises and corporations domiciled outside of California, but doing business here will not be subjected to such double taxation. To prevent such double and discriminatory taxation with respect to 1957-58 taxes it is necessary that this legislation be made effective immediately, and prior to March 4, 1957, the assessment date.

CHAPTER 12

An act making an appropriation in augmentation of the appropriation in Item 139 of the Budget Act of 1956 for support of the Department of the California Highway Patrol, to take effect immediately.

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.] In effect immediately

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

SECTION 1. The sum of nine hundred fifty-one thousand nine hundred fifty-eight dollars ($951,958) is hereby appropriated out of the Motor Vehicle Fund in the State Treasury in augmentation of Item 139 of the Budget Act of 1956 for support of the Department of the California Highway Patrol. In the preparation and approval of budgets for the expenditure of the amount herein appropriated, the Department of the California Highway Patrol and the Department of Finance shall budget said sum as follows:

a. In augmentation of Schedule (a) of Item 139 of the Budget Act of 1956, Salaries and Wages to cover a deficiency therein..... $267,680

b. In augmentation of Schedule (b) of Item 139 of the Budget Act of 1956, Operating Expenses and Equipment by reason of the increased activity of the existing staff in road patrol ____ $238,924

c. In augmentation of Schedule (b) of Item 139 of the Budget Act of 1956, Operating Expenses and Equipment by reason of the increased price of automobiles ____ 117,000

d. In augmentation of Schedule (a), Salaries and Wages, and of Schedule (b) Operating Expenses and Equipment, of Item 139 of the Budget Act of 1956, to be allotted between said schedules by the Department of the California Highway Patrol, with the approval of the Department of Finance; for the addition of 100 patrolmen and 10 sergeants, effective March 1, 1957 ____ 328,354

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 13

An act to add Sections 12707, 12708, and 12709 to the Water Code, relating to the plan of improvement for flood control, levee, and channel improvements on the Santa Maria River and its tributaries, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.]

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

SECTION 1. Section 12707 is added to the Water Code, to read:

Improvement plan

12707. The plan of improvement for flood control, levee, and channel improvements on the Santa Maria River and its tributaries is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 400, Eighty-third Congress, Second Session, as authorized by act of Congress approved September 3, 1954, Public Law 780, Eighty-third Congress, Second Session, at an estimated cost to the State of one million two hundred sixteen thousand dollars ($1,216,000).

SEC. 2. Section 12708 is added to said code, to read:

Santa Barbara Cooperation

12708. The County of Santa Barbara shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the act of Congress approved September 3, 1954 (Public Law 780, Eighty-third Congress, Second Session), will be furnished by the county in connection with the plan of flood control adopted and authorized in Section 12707.

SEC. 3. Section 12709 is added to said code, to read:

12709. The County of Santa Barbara, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12707, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing at Section 12570) and 2 (commencing at Section 12639) of this part. Execution

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

In order that the construction of the flood control, levee, and channel improvements on the Santa Maria River and its tributaries may be commenced at the earliest possible time so that unnecessary loss of lives and property may be prevented, it is essential that this act go into immediate effect.

CHAPTER 14

An act to amend Section 5012 of the Public Resources Code, relating to state park lands and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 1, 1957. Filed with Secretary of State February 1, 1957.] In effect immediately

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

SECTION 1. Section 5012 of the Public Resources Code is amended to read:

5012. The Director of Natural Resources, upon application by the proper authorities and on such terms and conditions as the State Park Commission may prescribe, may grant easements for public highways over and across state park lands under the jurisdiction of the department and the State Park Commission.

The director may also, upon application by the board of supervisors of any county which is developing within its own boundaries a small craft harbor and recreational area in cooperation with the Government of the United States, and on such terms and conditions as the State Park Commission may prescribe, grant easements for channels or facilities necessary for the development of such small craft harbor and recreational area, over and across state park lands under the jurisdiction of the department and the State Park Commission.

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 County of Los Angeles is in the process of acquiring land for and developing a small boat harbor and recreation

area in the Del Rey area of the County of Los Angeles. The Federal Government proposes to award a contract for the construction of the entrance channel jetties for that small boat harbor during the month of March, 1957. In order that this construction work may proceed on schedule it is necessary that the State Park Commission be authorized to immediately grant to the County of Los Angeles the necessary easements over state park lands for channel entrance purposes. In order that the development of that harbor may not be delayed and that the public welfare of the people of the State may be enhanced by such development, it is necessary that this act go into immediate effect.

CHAPTER 15

An act making an appropriation for the construction and relocation of the railroad and state highway in the vicinity of the site of the Oroville Dam and Reservoir, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 1, 1957 Filed with Secretary of State February 4, 1957.]

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

SECTION 1. The sum of twenty-five million one hundred ninety thousand dollars ($25,190,000) is hereby appropriated from the Investment Fund in the State Treasury to the Department of Water Resources for expenditure for the construction and relocation of the Western Pacific Railroad tracks and State Highway Route 21 in the vicinity of the site of the Oroville Dam and Reservoir.

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 to provide for flood control and the conservation of water for the people of California, it is necessary that funds be made available immediately for the construction work in connection with the Feather River Project contemplated by this act and authorized by Section 11260 of the Water Code.

CHAPTER 16

An act to amend Section 5502 of and add Section 5572.1 to the Public Resources Code, relating to regional park districts, declaring the urgency thereof, to take effect immediately

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 5502 of the Public Resources Code is amended to read:

5502. Two municipalities, together with one or more other municipalities and any parcel or parcels of city or county territory, whether in the same or different counties, may organize and incorporate. All the territory in the proposed district shall be contiguous.

SEC. 2. Section 5572.1 is added to said code, to read:

5572.1. Where the annexation of territory to a regional park district would otherwise be valid, except that such annexed territory was not within the boundaries of a municipal utility district organized and existing under Chapter 218 of the Statutes of 1921 or the Municipal Utility District Act, such annexation shall be valid. This section shall be applied retroactively to validate the annexation of such territory to a regional park district as of the date that the annexation would otherwise have been valid.

SEC. 3. This act is an urgency measure necessary for 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 provision of Section 5502 of the Public Resources Code, that all the territory in a proposed district shall be located within the boundaries of a municipal utility district organized and existing under Chapter 218 of the Statutes of 1921, or its successor, the Municipal Utilities District Act, creates serious doubt as to the validity of the annexation of territory not within the boundaries of such a municipal utility district. As annexation proceedings have been taken to include such territory within a regional park district, and the inclusion of such territory is necessary for the proper function of the regional park district, the provision of adequate recreational facilities for the people, and the protection of the safety, health and welfare of the people, it is vital that this act take effect immediately.

CHAPTER 17

An act to add Section 5 to Chapter 18 of the Statutes of the 1952 First Extraordinary Session, relating to the exchange of certain state lands situate in Marin County, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 5 is added to Chapter 18 of the Statutes of the 1952 First Extraordinary Session, to read:

Sec. 5. The grant of lands by the State authorized in Section 1 of this act shall be free and clear of all of the reservations set forth in Section 6401 of the Public Resources Code, and Section 6401 is not applicable with respect to such grant.

The Legislature hereby declares that it was its intent when Chapter 18 of the Statutes of the 1952 First Extraordinary Session was enacted to authorize the State Lands Commission, and the commission is hereby authorized, to execute the conveyance of such lands on behalf of the State of California free and clear of all the reservations specified in Section 6401 of the Public Resources Code.

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:

Chapter 18 of the Statutes of the 1952 First Extraordinary Session, which is hereby amended, was enacted for the accomplishment of a general plan for straightening, widening and improving Corte Madera Creek in Marin County for the purposes of public navigation and flood control. In passing this act, it was the intention of the Legislature that the lands to be granted by and conveyed to the State pursuant to the exchange therein authorized, were to be conveyed by the respective grantors free and clear of any reservations of mineral deposits and free and clear of any right of entry on the part of the respective grantors to prospect, or grant any right to prospect for such minerals upon the lands so granted under Section 6401 of the Public Resources Code. Confusion has arisen as to whether the act as originally passed authorized the State Lands Commission to convey the land of the State free and clear of the reservations mentioned in said Section 6401 and it is the purpose of this act to clarify such authorization. It is not possible to finally complete the plans for the straightening, widening and improvement of Corte Madera Creek until the State Lands Commission receives express authority to make this proposed conveyance totally free of reservations as the land which it will receive on this exchange. It is necessary for the immediate preservation of public health and public safety that this act be made effective immediately, in order that the new and improved Corte Madera Creek may be made available for public use for purposes of navigation and flood control without further delay.

CHAPTER 18

An act to add Chapter 24 to Division 3 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; and appropriating money for the expense

of preparing and of advertising the sale of bonds herein authorized to be issued, and for the administration of this chapter, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Chapter 24 is added to Division 3 of the Education Code, to read:

CHAPTER 24. STATE SCHOOL BUILDING AID BOND LAW OF 1957

7970. This act may be cited as the State School Building Aid Bond Law of 1957. Short title

7971. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

7972. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings: Definitions

(a) "Committee" means State School Building Finance Committee, created by Section 5108.

(b) "Board" means State Allocation Board

(c) "Fund" means State School Building Aid Fund.

7973. For the purpose of creating a fund to provide aid to school districts of the State in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred million dollars ($100,000,000) in the manner provided herein, but not otherwise nor in excess thereof. School district aid fund

7974. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable. Bonds

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum,

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

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

Transfer of funds

7975. All money deposited in the fund under Section 7731 of this code and Section 16759 of the Government Code shall be available only for transfer to the General Fund, as provided in Section 7974. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

Revolving fund

7976 The sum of seventy-five thousand dollars ($75,000) is hereby appropriated out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16750. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund.

Bonds Issue

7977. Upon request of the board, supported by a statement of the apportionments made and to be made under Chapter 19 of Division 3, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A suffiicent number of bonds authorized under this chapter shall be issued and sold so that fifteen million dollars ($15,000,000) will be available for apportionment on July 5, 1957, or as soon thereafter as such bonds can be issued and

sold, and so that five million dollars ($5,000,000) additional will become available for apportionment on August 5, 1957, and on the fifth day of each month thereafter until a total amount of one hundred million dollars ($100,000,000) has become available for apportionment. Successive issue of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Sale

7978. In any resolution determining that the sale of all or any part of the bonds herein authorized is necessary or desirable, the committee may in its discretion adopt provisions for the interexchange of bonds of different denominations, the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any deputy state controller. If authentication is so required, no bond authorized herein shall be valid unless so authenticated in the manner so required.

Interest

7979. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed 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, such computation to be made on a 360-day year basis.

Authority of State Treasurer

7980. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer, and no direction of the Governor shall be required. The provisions of Sections 16750 and 16754 of the Government Code respecting the direction of the Governor shall not be applicable to such sale.

Proceeds

7981 All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 7974 to pay principal and interest on bonds other than bonds herein authorized.

Exception

7982. With respect to the proceeds of bonds authorized by Section 18, Article XVI of the California Constitution, all the provisions of Chapter 19 of this division shall apply except:

(a) Any reference in Chapter 19 to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to "Section 18, Article XVI of the Constitution of this State."

(b) Any reference in Chapter 19 to "Section 7903" shall be deemed a reference to "Section 7974."

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:

There are many impoverished school districts in California that do not have the financial means to provide adequate school buildings. The situation is further aggravated by the tremendous population increase, particularly in school-age children, which California has experienced in the last decade. It has therefore become necessary for the State to render financial assistance to impoverished school districts in order that the children of this State not be denied their birthright of a good education. In order to prevent an interruption of this program of state school building aid assistance it is necessary that this act take effect immediately.

CHAPTER 19

An act to amend Sections 1, 4, 5, and 7 of Chapter 134 of the Statutes of 1875-76, relating to the construction and repair of levees in the City of Marysville and the mode of raising revenue therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 1 of Chapter 134 of the Statutes of 1875-76 is amended to read:

Section 1. (a) A levee district is hereby created to be called "City of Marysville Levee District" within the City of Marysville, County of Yuba, and the boundaries of and territory included within said district shall be as follows: All portions of the City of Marysville within the exterior lines of the City of Marysville levee as now or at any time hereafter constructed, reconstructed or extended and existing. The Legislature hereby declares that the objects and purposes of this act as originally enacted and as heretofore and hereby amended are to provide protection against floods to persons and property within all portions of the City of Marysville inside said levee as originally constructed or at any time thereafter or hereafter reconstructed or extended and existing. The Legislature hereby further declares that special facts and circumstances peculiar to the territory within said district having the boundaries hereinabove defined have, at all times since the original enactment of this Act made, and now make, the accomplishment of said objects and purposes of this Act impossible under any general law and that special legislation is necessary. The City of Marysville is located at the confluence of the Feather River and Yuba River and said district is completely surrounded by said levee. The State has a primary interest in securing to the inhabitants and property owners within said

district adequate protection against floods. If said levee were to overflow or to break at any point at any time, all of the land within said levee would immediately be flooded During the December 1955 floods the water in said rivers came almost to the crest of said levee and said district was evacuated on December 23, 1955, and remained evacuated until December 25, 1955. It is imperative that said levee be kept at all times in a state of perfect maintenance and repair, that it be strengthened, constructed, reconstructed, altered, raised or extended without delay whenever required for the protection of life and property, and that said district have a governing body with adequate power to act without any delay whenever required (i) to maintain, repair, strengthen, construct, reconstruct, alter, raise or extend said levee and (ii) to provide the necessary financing of all costs of any such maintenance, repair, strengthening, construction, reconstruction, alteration, raising or extension.

(b) A Board of Levee Commissioners, with the powers and duties hereinafter provided, is hereby created for the City of Marysville Levee District. At the city election held for said city in the year 1876, and at the city election every four years thereafter, there shall be elected by the qualified electors of the City of Marysville Levee District three persons from the qualified electors of said district who shall constitute a board of levee commissioners, who shall each hold office for the term of four years and until his successor is elected and qualified.

SEC. 2. Section 4 of said act is amended to read:

Sec. 4. The board of levee commissioners herein created shall, from personal inspection and examination, annually, on or before the time provided by law for the levy of the general city taxes of said city, make and certify to the council of said city an estimate of the amount of money that will be necessary (i) to put said levee and the works for its protection, in a condition of perfect maintenance and repair, and to keep it so during the next ensuing year; (ii) to provide for all necessary strengthening, construction, reconstruction, alteration, raising or extension of said levee during said next ensuing year; (iii) to pay all warrants issued by said board for claims for levee purposes then outstanding and unpaid; (iv) to pay all indebtedness incurred pursuant to paragraph (b) of Section 5 of this act by the board of levee commissioners after the date of the next preceding certification to the council as in this Section 4 provided and not theretofore refunded by the authorization, issue and sale of bonds pursuant to paragraphs (c) and (e) of Section 5 of this act; and (v) to pay the principal of and interest on all bonds, theretofore issued or theretofore authorized and to be issued during said next ensuing year by said board of levee commissioners pursuant to paragraphs (c) or (d) and (e) of Section 5 of this act, that will become due before the proceeds of a tax at the next general city tax levy will be available; and the council of said city shall levy upon all taxable property within said

city levee and said district a tax sufficient to produce the whole amount of money so estimated to be required, less the sum, if any there be, in the City of Marysville Levee District Fund hereinafter referred to and less the sum to be provided during said next ensuing year by the issue and sale of bonds theretofore authorized pursuant to paragraphs (d) and (e) of Section 5 of this act. The taxes levied under this section shall be collected the same as other city taxes are authorized to be collected, and shall be paid to the city treasurer of said city, and shall be credited by him to a fund hereby created, and to be known as the "City of Marysville Levee District Fund," and money shall be drawn from said fund only (a) upon presentation for payment of warrants for claims for levee purposes, allowed and approved by a majority of the members of the board of levee commissioners, and signed by the president and secretary of said board, or (b) to pay, upon presentation for payment when due, the principal of and interest on warrants issued by said board pursuant to paragraph (b) of Section 5 of this act, or (c) to pay, upon presentation for payment when due, any outstanding bonds or coupons issued pursuant to paragraphs (c) or (d) and (e) of Section 5 of this act.

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. (a) The board of levee commissioners created by this act shall have full power, as soon as they are elected and qualified, to take immediate charge, care, and control of the levee now built and constructed in said district and to strengthen, maintain and repair, construct, reconstruct, alter, raise or extend the same whenever and wherever necessary, and to employ one or more overseers of said levees who shall continue to act as such overseers for such period of time as said board may direct, and to be paid such per diem as said board shall fix by warrants drawn on said City of Marysville Levee District Fund.

(b) The board of levee commissioners shall have full power to incur indebtedness as hereinafter provided in this paragraph (b), and also as provided in paragraphs (c), (d) and (e) of this Section 5, in order to perform their duties in connection with said levee as required by this act. In the event that there are insufficient funds in said City of Marysville Levee District Fund to pay the cost of any work ordered to be done by the board of levee commissioners, or any warrants issued for claims for levee purposes by said board of levee commissioners, or any funds theretofore advanced by the City of Marysville to pay the cost of any work ordered by said board, said board of levee commissioners may incur indebtedness in an amount sufficient to pay in full said cost or said warrants or to reimburse said city for said funds so advanced subject to the following limitations: (i) Any such indebtedness may be incurred only after the date provided by law for the levy of general city taxes in the then current fiscal year and prior to the next succeeding May 1; (ii) the principal

amount of all such indebtedness at any one time outstanding shall not exceed an amount which could be raised by levying one annual tax of two dollars ($2) per one hundred dollars ($100) on all taxable property in said district; (iii) the whole principal amount of each such indebtedness shall mature on a date fixed by said board, which date shall be not later than the second June 30th next succeeding the date on which it is incurred, and shall bear interest at a rate fixed by said board not exceeding 6 percent per annum payable annually, semiannually or at maturity or in part annually, in part semiannually and in part at maturity; and (iv) each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of a majority of the members of said board and shall be evidenced by one or more warrants signed by a majority of the members of said board.

(c) At any time after incurring any indebtedness pursuant to paragraph (b) of this Section 5 and not less than 90 days before the date provided by law for the levy of general city taxes next succeeding the date of incurring such indebtedness, the board of levee commissioners may, in its discretion, by a resolution adopted by the affirmative votes of a majority of its members, call and hold a special bond election in said district for the submission to the qualified voters of said district of one or more measures for incurring a bonded debt of said district for the purpose of refunding all or any part of the principal of and interest to maturity on any outstanding indebtedness theretofore incurred by said board pursuant to said paragraph (b), as stated in said resolution. The provisions of paragraph (e) of this Section 5 shall apply to the authorization, issue, sale and repayment of all bonds referred to in this paragraph (c).

(d) In addition to special bond elections called and held pursuant to paragraph (c) of this Section 5, the board of levee commissioners may at any time, in its discretion, by a resolution adopted by the affirmative votes of a majority of its members, call and hold a special bond election in said district for the submission to the qualified voters of said district of one or more measures for incurring a bonded debt of said district for the purpose of raising money to maintain, repair, strengthen, construct, reconstruct, alter, raise or extend said levee. The provisions of paragraph (e) of this Section 5 shall apply to the authorization, issue, sale and repayment of all bonds referred to in this paragraph (d), subject to the limitation that not more than one million dollars ($1,000,000) aggregate principal amount of bonds authorized at any one or more elections held pursuant to this paragraph (d) shall be outstanding and unpaid at any one time.

(e) Measures for incurring any bonded debt pursuant to paragraph (c) of this Section 5 for refunding any one or more different indebtednesses incurred pursuant to paragraph (b) and/or measures for incurring any bonded debt pursuant to paragraph (d) of this Section 5 may be submitted at the

same election. Each resolution calling a special bond election shall set forth the measure or measures to be submitted at the election, the amount of the principal of each bonded indebtedness proposed to be incurred, the maximum rate of interest thereon which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually, the manner of holding the election, the form of ballot, the procedure for voting for or against the measure or measures submitted, and the names of the election precincts, polling places, and officers of election who shall conduct such election.

The resolution calling each such election shall be published once a day for at least seven days in a newspaper published at least six days a week in the City of Marysville or once a week for two weeks in a newspaper published less than six days a week in said city. If there are no such newspapers, such resolution shall be posted in three public places in said city for two succeeding weeks. Any such election may be consolidated with any other election in accordance with the provisions of the California Elections Code. Except as otherwise provided in the resolution, the election shall be conducted as are city elections in the City of Marysville.

If two-thirds of the qualified voters voting on any measure vote for it, then bonds of said district shall be issued by the board of levee commissioners for the purpose stated in such measure. All bonds issued and sold pursuant to this act shall be general obligations of said district and said board of levee commissioners shall have power and shall be obligated to cause to be levied and collected by the Council of the City of Marysville, all in accordance with the provisions of Section 4 of this act, ad valorem taxes without limitation of rate or amount, for the payment of said bonds and interest thereon, upon all property within said district subject to taxation for district purposes by said council. Said board shall prescribe the form of the bonds and interest coupons and fix the date of the bonds. Said board may divide the principal amount of any issue of bonds into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with the provisions of this paragraph (e). The board may fix a date not more than two years from the date of issuance for the earliest maturity of each issue or series of bonds, and, beginning with the date of earliest maturity of each such issue or series, not less than one-thirtieth of the indebtedness of such issue or series shall be paid every year. The final maturity date of each issue or series shall not exceed 30 years from the date of the bonds of such issue or series. All bonds shall be issued in the denomination of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000), and shall be signed by the president of the board of levee commissioners and countersigned by the clerk of the board of levee com-

missioners, with the seal of said district affixed. All coupons shall be numbered consecutively and shall be signed by said clerk. All signatures and countersignatures except that of the clerk on the bonds may be printed, lithographed or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature is as effective as if he had remained in office. The bonds of any issue or series may be issued and sold as the board of levee commissioners determines, but for not less than par. Before selling any bonds said board shall give notice inviting sealed bids in such form as said board 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 are not satisfactory as to price or responsibility of the bidder, said board may reject all bids received, if any, and either re-advertise or sell the bonds at private sale. All premiums and accrued interest received on the sale of any bonds shall be placed in said City of Marysville Levee District Fund in a separate account and shall be used to pay the principal of and interest on said bonds, and the remainder of the proceeds of sale of said bonds shall be deposited in said fund and used only for the purpose for which said bonds were voted.

(f) Said powers of said board of levee commissioners shall be plenary and shall be liberally construed.

SEC. 4. Section 7 of said act is amended to read:

Sec. 7. Each Overseer shall keep a correct account of the number of days that each person under his control may work, for which he shall give a receipt to the person performing such work, stating the number of days worked by him and the amounts and kinds of machinery or equipment used by him. Each such receipt shall be sworn to by the person performing the work, and be presented to said board of levee commissioners hereby created, whereupon, if said account be correct, the board shall allow and approve the same, and order a warrant drawn on said City of Marysville levee district fund for its payment.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The December 1955 floods of the Feather River and Yuba River demonstrated the necessity for the immediate repair, strengthening, reconstruction, and raising of the City of Marysville Levee. In order to protect the persons and property within said levee and to give said board of levee commissioners adequate power to provide for the financing of the cost of said repair, strengthening, reconstruction, and raising of said levee, it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to the establishment of zones of the flood control district in Pleasanton or Murray Townships, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is amended to read:

Sec. 36. Notwithstanding any other provisions of this act, the following shall apply with respect to the establishment, government, operation and financing of any zone lying wholly or in part in Pleasanton or Murray Townships:

1. The board of supervisors shall have no authority to proceed with the establishment of any zone lying wholly or in part in Pleasanton or Murray Townships without first obtaining the approval thereof by a vote of a majority of the qualified electors voting at a regular or special election on said proposition; said election shall in all particulars be held, as nearly as practicable, in conformity with the general election laws of the State, and the cost thereof shall be reimbursed to the district if a zone is established.

2. Any zone established by the board of supervisors under the provisions of this act lying wholly or in part in Pleasanton or Murray Townships, shall be governed and controlled by a board of seven (7) directors elected by the qualified electors residing within the boundaries of said zone. The first members of said board shall be elected at the election called by the board of supervisors upon the proposition for establishment of said zone.

The term of directors shall be three years from and after their election, except that two members of the board first elected shall serve for a term of one year, two members for a term of two years and three members for a term of three years. The seven directors first elected shall, immediately following their election and qualification, determine their respective terms by lot.

The directors must be residents of the proposed zone and qualified electors and owners of real property therein.

The directors shall be elected at large and the method of nomination and election shall be substantially the same as provided by state law for the nomination and election of elementary school district trustees.

Zone directors shall serve without compensation except their actual and necessary expenses incurred in performance of

official duties under this act, payable from the funds of said zone.

3. The board of directors of any zone in which directors have been elected as provided in this act shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone and the zone board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the zone board or zone as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Alameda; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the zone board without reference to any classified civil service list.

4. If any of the reports, supplementary reports, additional reports or recommendations provided for in Section 9 of this act relate to projects or work in any zone in which a zone board of directors has been elected as provided in this act, full and complete copies thereof shall be filed with the zone board immediately upon the filing of such with the board of supervisors.

5. If, under the provisions of Section 10 of this act, the board finds that any project or work of improvement is in whole or in part for the benefit of any zone in which a board of directors has been elected, the approval or concurrence of the zone board shall be obtained before any final determination is made to proceed with such project or work of improvement.

6. No proceeding shall be commenced or taken by the board under Section 11 of this act for the institution of any project or work of improvement in whole or in part in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the institution of said project or work of improvement.

7. In any zone in which a board of directors has been elected, the tax or assessment for any purpose or purposes, other than administrative costs and expenses of the district, shall be based upon a budget or budgets prepared by, or under the direction of, the zone board of directors.

The taxes and assessments (other than the tax to pay the general administrative costs and expenses of the district and other than any taxes levied pursuant to Section 16 hereof to pay bonds and interest thereon) levied by the board pursuant to Section 12 of this act upon any property in any zone lying wholly or in part in Pleasanton or Murray Townships shall not exceed in the aggregate the sum of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation unless a larger tax has been approved by a vote of not less than

two-thirds (⅔) of the qualified electors voting upon the proposition to increase such tax.

8. No proceeding shall be commenced or taken by the board under Section 13 of this act for the incurring of a bonded indebtedness to pay the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the incurring of such bonded indebtedness.

The amount of bonded indebtedness outstanding at any time shall not exceed five percent (5%) of the assessed valuation of all taxable property in any zone lying wholly or in part in Pleasanton or Murray Townships.

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:

Because of the great influx of population into Pleasanton and Murray Townships, it is necessary and desirable from both flood control and water conservation standpoints to call an election for the formation of a flood control zone in this area of Alameda County at the earliest possible date. Section 36 of the Alameda County Flood Control and Water Conservation District Act as it now reads requires approval of a majority of the qualified electors residing within the boundaries of the proposed zone in order to establish a zone and accomplish any projects. This requirement, experience has shown, for all practical purposes precludes formation of any zone. Since the law in effect at the time the first steps toward initiation of zone proceedings governs, it is necessary that this act take effect immediately before proceedings for establishment of a zone in this area are commenced.

CHAPTER 21

An act to amend Section 26072.5 of the Revenue and Taxation Code, relating to the exemption of corporations from the bank and corporation tax, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 26072.5 of the Revenue and Taxation Code is amended to read:

26072.5. Any tax, or penalty or interest thereon, for or upon the basis of any taxable year beginning after December 31, 1952, and ending prior to January 1, 1957, payable by any corporation required to file a loyalty declaration for that year pursuant to Section 23705, but which failed to file such a declaration and as a consequence lost an exemption to which it was otherwise entitled for such year, is canceled,

and, if paid, shall be credited or refunded under Sections 26071 and 26072 as if it were an overpayment.

No amount is canceled or subject to credit or refund in accordance with this section unless, on or before May 15, 1958, the corporation involved files the loyalty declaration required by Section 23705.

No interest shall be allowed upon any tax, penalty or interest credited or refunded pursuant to this section.

Nothing in this section authorizes any cancellation, credit or refund in respect to the unrelated business net income of any corporation.

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:

Some corporations have inadvertently failed to file the required declaration in support of the tax exemption granted them by the Bank and Corporation Tax Law, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption. In doing so, the public policy of the State as expressed in the Bank and Corporation Tax Law will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 22

An act to amend Sections 153, 424.4, 424.6 and 424.7 of the Vehicle Code, relating to registration, and declaring the urgency thereof to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 153 of the Vehicle Code is amended to read:

153. Contents of Certificate of Ownership. The certificate of ownership shall contain: Certificate of ownership Contents

(a) Not less than the information required upon the face of the registration card.

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of registration by the transferee.

(d) Effective January 1, 1958, certificates of ownership issued by the department for the year 1958 and subsequent years shall contain provision for a statement by the transferor, other than the legal owner, to the effect that the proposed transfer of title or other interest in the motor vehicle is not

in violation of the provisions of Chapter 4 (commencing with Section 424) of Division 7 of this code.

SEC. 2 Section 424.4 of said code is amended to read:

Suspension and storage. 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; or

(e) Possession of such vehicle has been taken by or for a legal owner thereof as provided in Section 424.7 or by or for another lienholder; or

(f) Possession of such vehicle has been taken by or for a licensed automobile wrecker for the purpose of dismantling the vehicle and an application for the issuance of a certificate of dismantling has been made in accordance with the provisions of Section 246.

SEC. 3. Section 424.6 of said code is amended to read:

424.6. Sale of Motor Vehicles and Completion of Transfer.

Sale

(a) No owner, other than a legal owner, shall sell or transfer title, or any other interest therein, in a motor vehicle from the time it has been involved in an accident requiring a report under Section 419 unless or until:

(1) The conditions for exemption specified in Section 422.1, 422.2, 422.4, and 422.5 have in fact been complied with or exist, or that the conditions for exemption specified in Section 422.3 have been complied with, whether or not a report or evidence thereof has been filed with the department; provided, that nothing herein shall excuse the filing of a report or evidence which may be required to establish exemption from suspension of the privilege to drive or suspension of registration; or

(2) Security has been deposited as required by Section 420; or

(3) Suspension and storage of such motor vehicle has been terminated as provided in Section 424.4; or

(4) Security has been deposited with the department in an amount which the department is satisfied is equivalent to the value of said vehicle or the owner's interest therein, but not exceeding the amount of security fixed by the department under Section 420. If the department has not fixed the amount of security at the time of such proposed sale or transfer, the department shall refund to the depositor any amount by which

said deposit may exceed the amount of security thereafter fixed by the department under Section 420; or

(5) Fifty (50) days have elapsed since the date of accident without evidence of injury or damage having been submitted.

(b) The department shall transfer registration of ownership and terminate suspension of a vehicle which is subject to suspension, or has been suspended under the provisions of Section 424.1, upon receipt of the required fee, the registration card, and an endorsed certificate of ownership including the statement required by subdivision (d) of Section 153, unless the department is satisfied that the interest of the new owner and legal owner, if any, in the vehicle was acquired with knowledge on their part that the registration was suspended, or was not acquired in good faith and for value. If the certificate of ownership does not contain provision for the statement required by subdivision (d) of Section 153, the department shall accept in lieu thereof a separate document containing said statement, or if no such statement is presented to the department, it may require in lieu thereof such information as the department deems necessary to establish that the interest of the new owner and legal owner, if any, was acquired in good faith and for value and without knowledge that the registration was suspended. Transfer

SEC. 4. Section 424.7 of said code is amended to read:

424.7. Rights and Remedies of Lienholders. Nothing in this chapter shall affect the interest of any legal owner or other lienholder of a vehicle, the registration of which is suspended or subject to suspension, nor any right or remedy of such person, 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 charges within the limitation provided in Section 425. Lienholders

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

Because of consequences not in accord with the legislative intent in providing for suspension of the registration of motor vehicles involved in accidents, the result of which has been to penalize third parties and to jeopardize their property interests rather than to restrict penalties to owners making transfers of vehicles in violation of the act, as intended, and because this has interfered with the free and dependable transfer of motor vehicles which has been experienced under the State's system of vehicle registration, a serious impediment and threat to an important part of the State's economy has occurred which makes necessary that this act take effect immediately.

CHAPTER 23

An act to add Section 559 to the Streets and Highways Code, relating to state highways, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 559 is added to the Streets and Highways Code, to read:

559. Route 239 is from a point on Route 56 near Daly City to a point on Route 2 near San Jose on a route to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes.

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 Federal Interstate System of Highways, to be financed primarily with funds provided by the Federal Highway Revenue Act of 1956, includes a circumferential freeway around San Francisco Bay. Estimates of cost for such freeway must be filed with the Federal Bureau of Public Roads on or before June 1, 1957. It is necessary that a new route be added to the State Highway System for portions of said freeway. In order that the planning of said freeway may be expedited, and estimates of cost therefor filed by June 1, 1957, as required by the federal authorities, it is essential that such addition be made at the earliest possible date. It is therefore necessary that this act take effect immediately.

CHAPTER 24

An act to add Section 560 to the Streets and Highways Code, relating to state highways, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 560 is added to the Streets and Highways Code, to read:

560. Route 240 is hereby added to the State Highway System, to extend from Route 4 near Glendale to Route 26 near the east boundary of Los Angeles County, on a route to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes.

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 Federal Interstate System of Highways, to be financed primarily with funds provided by the Federal Highway Revenue Act of 1956, includes a circumferential freeway in the Los Angeles area. Estimates of cost for such freeway must be filed with the Federal Bureau of Public Roads on or before June 1, 1957. It is necessary that a new route be added to the State Highway System for portions of said freeway. In order that the planning of said freeway may be expedited, and estimates of cost therefor filed by June 1, 1957, as required by the federal authorities, it is essential that such addition be made at the earliest possible date. It is therefore necessary that this act take effect immediately.

CHAPTER 25

An act to amend Section 14 of the Santa Clara County Flood Control and Water Conservation District Act, relating to flood control and water conservation in Santa Clara County, to validate bonds of the Santa Clara County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 14 of the Santa Clara County Flood Control and Water Conservation District Act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Santa Clara County within five (5) days after its issuance From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election

two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 2. Any bonds of any zone of the Santa Clara County Flood Control and Water Conservation District heretofore authorized at an election held in such zone between July 5, 1956 and the effective date of this act, pursuant to Section 14 of the Santa Clara County Flood Control and Water Conservation District Act, as amended June 26, 1953 and as said section existed between June 26, 1953 and July 5, 1956, and thereafter issued and delivered in accordance with Section 14, as said section existed between June 26, 1953 and July 5, 1956, and with Sections 15 and 16 of said act, as amended effective June 26, 1953, shall be legal, valid and binding obligations of such zone. The provisions of this section of this act shall operate to supply such legislative authorization as may be necessary to validate all proceedings referred to in this section of this act which the Legislature could have supplied or provided for in the Santa Clara County Flood Control and Water Conservation District Act.

SEC. 3. 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 effect immediately. The facts constituting such necessity are: Flood control and water conservation works are urgently needed in the Santa Clara County Flood Control and Water Conservation District and the zones thereof, which works can be financed effectively only by the issue and sale of bonds of said zones. It is imperative and essential that the validity of such bonds be validated so that during the period before this act would otherwise become effective said district can issue and sell such bonds heretofore authorized for the purpose of providing flood control and water conservation works 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 authorization of such bonds, which defects will be cured by this act.

CHAPTER 26

An act to add Section 558 to the Streets and Highways Code, relating to state highways, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 558 is added to the Streets and Highways Code, to read:

558. Route 238 is hereby added to the State Highway System, to extend from a point on Route 4 south of Bakersfield

to a point on Route 7 near Woodland, on a route along the westerly side of the San Joaquin Valley to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes.

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 Federal Interstate System of Highways, to be financed primarily with funds provided by the Federal Highway Revenue Act of 1956, includes a north-south freeway traversing the State. Estimates of cost for such freeway must be filed with the Federal Bureau of Public Roads on or before June 1, 1957. It is necessary that a new route be added to the State Highway System for portions of said freeway In order that the planning of said freeway may be expedited, and estimates of cost therefor filed by June 1, 1957, as required by the federal authorities, it is essential that such addition be made at the earliest possible date. It is therefore necessary that this act take effect immediately.

CHAPTER 27

An act to add Section 30608.1 to the Streets and Highways Code, relating to the San Francisco-Oakland Bay Bridge, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 30608.1 is added to the Streets and Highways Code, to read:

30608.1. The Department of Public Works is authorized to use the sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, from the Revenue Fund of the San Francisco-Oakland Bay Bridge, for the purpose of making all studies and performing all preliminary work, including but not limited to engineering studies, traffic studies, consultant fees, and other expenses in connection with the making of revisions of, and improvements or alterations to, the San Francisco-Oakland Bay Bridge, its approaches, connections, and other appurtenances, including the terminal building in San Francisco, as are deemed desirable and necessary to permit the use of the entire San Francisco-Oakland Bay Bridge for traffic. Except for the use of funds as provided by this section, Section 30608 shall continue in full force and effect.

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:

Proceedings are now pending before the Public Utilities Commission which may result in the abandonment of train service across the San Francisco-Oakland Bay Bridge. Persons now transported by train will undoubtedly continue to cross the bridge either by means of busses or private automobiles, thus increasing the traffic congestion of said bridge, and at the same time leaving one-half of the lower deck of said bridge unused. Before the portion of the lower deck now used by trains can be used by vehicles, it must be paved and necessary changes in approaches and connections to the bridge and in the bridge railway terminal must be made. Traffic congestion on the bridge is such that all necessary studies should be made so that upon the final determination by the Public Utilities Commission as to train service on the bridge, the department and the California Toll Bridge Authority will be in a position to commence necessary work without delay.

CHAPTER 28

An act to amend Sections 9171 and 9172 of the Government Code, relating to officers and employees of the Assembly.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9171 of the Government Code is amended to read:

9171. The officers and employees of the Assembly are:

(a) A Speaker, a Speaker pro Tempore, a Majority Floor Leader, a Minority Floor Leader, one Chief Clerk, one Sergeant-at-Arms, one minute clerk and one chaplain.

(b) Other officers and employees deemed necessary by the Assembly and provided for by resolution of the Assembly.

Officers and employees in subdivision (a) except the Majority and Minority Floor Leaders shall be elected by a majority vote of the duly elected and qualified Members of the Assembly.

SEC. 2. Section 9172 of said code is amended to read:

9172. All permanent officers and employees of the Senate or Assembly, except the President of the Senate and the Majority and Minority Floor Leaders of the Assembly, shall be elected by the house to which they are attached.

CHAPTER 29

An act to amend Section 810 of the Agricultural Code, relating to artichokes, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 810 of the Agricultural Code is amended to read:

Artichokes—Damage

810. Globe artichokes shall be free from mold, decay, and insect injury or insect larvae; and free from serious damage due to freezing or other causes. Damage to any one artichoke from freezing is not serious provided the stem discoloration due to freezing does not extend beyond the area of attachment of the stem to the base of the artichoke. Damage from other causes is not serious unless it causes a waste of 10 percent, by weight, of the edible portion of the artichoke.

Tolerance

Not more than 10 percent, by count, of the Globe artichokes in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance shall be allowed for decay.

Size

Globe artichokes, when packed, shall not vary in size, in any one container, more than one-half of an inch in diameter when measured through the widest portion of cross section.

Containers

All containers of artichokes shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first packed or authorized the packing of the artichokes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Artichokes shall be in standard containers numbers 21, 21A, and 22.

In the case of container number 21A, if any marking intended to describe the container is placed upon such container, the designation used shall contain the term "special."

Urgency

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

This act provides a decay tolerance for Globe artichokes in containers or bulk lots that is desirable for the artichoke industry. This year's Globe artichoke crop is ready for harvest and in order for the tolerance change to benefit such crop, this act must take effect immediately.

CHAPTER 30

An act to amend Section 3 of and to add Section 19.5 to the Marin County Flood Control and Water Conservation District Act (Ch. 666 Stats. 1953), relating to the formation of zones, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 3 of the Marin County Flood Control and Water Conservation District Act (Ch. 666, Stats. 1953) 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 specific benefit of such zones.

Proceedings, including a hearing and determination of protests, for the establishment of any zone or any project shall be conducted in the manner prescribed in Section 11 of this act. As an alternative to, or in addition to, the proceedings prescribed in Section 11 of this act for the establishment of any zone or any project, the board of supervisors of the district may submit proposals for the establishment of any zone or any project to the registered voters residing within the zone or the territory of a proposed zone, as the case may be, which election shall be called and held as nearly as practicable in the manner provided in Section 13.

Proceedings for the establishment of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones.

SEC. 2. Section 19.5 is added to the Marin County Flood Control and Water Conservation District Act (Ch. 666 Stats. 1953), to read:

Sec. 19.5. Notwithstanding Chapter 8 (commencing at Section 54900) of Part 1, Division 2, Title 5 of the Government Code, any zone of the Marin County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation for the Fiscal Year 1957-1958, if the required statement and maps or plats are filed by June 30, 1957.

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:

In the area of this district it is imperative that flood control works and other construction of the district be completed at the earliest possible moment and there are presently such

projects being planned and carried out. However, since it will be impossible to complete the formation of zones for these projects in time to meet the requirements of the Government Code these provisions must be amended as provided in this act and such amendments must take effect immediately in order to be applicable to the 1957-1958 Fiscal Year.

CHAPTER 31

An act to amend Sections 1520, 2164, 2165, 3047, and 3047.01 of the Welfare and Institutions Code, relating to property of recipients of public assistance, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957 Filed with Secretary of State February 4, 1957]

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

SECTION 1. Section 1520 of the Welfare and Institutions Code is amended to read:

Property ownership. Child

1520. No aid under this chapter shall be granted or paid to any child who owns, or whose parent owns real property, the combined assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000) at the time application for aid is made, or while in receipt of such aid. Real property owned but not occupied as a home by a child receiving aid under this chapter or by the parent of such child shall be used to provide for the needs of the child or his parent, or both. No child shall be disqualified for aid if such property is not available for sale or use.

SEC. 2. Section 2164 of said code is amended to read:

Adult

2164. No aid under this chapter shall be granted or paid to any person who owns real property the assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000). Real property owned but not occupied as a home by an applicant or recipient shall be utilized to provide for the needs of the applicant or recipient.

SEC. 3. Section 2165 of said code is amended to read:

Married person

2165. No aid under this chapter shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000).

SEC. 4. Section 3047 of said code is amended to read:

3047. (a) No aid under this chapter shall be granted or paid to any person who owns real property the assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000). Real property owned but not occupied as a home by an applicant or recipient shall be utilized to provide for the needs of the applicant or recipient.

SEC. 5. Section 3047.01 of said code is amended to read:

3047.01. No aid under this chapter shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000). Same

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: Urgency

Due to the recent property reassessment program instigated by the State Board of Equalization, the counties of this State have conducted or are in the process of conducting a general reappraisal of county real property. The effect of such a reappraisal will result in increasing the assessed valuation of most property within the counties. Under existing law persons receiving aid under the various public assistance programs may not own real property having an assessed valuation in an amount exceeding that permitted by the law under which they are receiving assistance. An increase in the assessed valuation of property belonging to such recipients will render many of them ineligible for aid, despite the fact that their ability to meet their needs will in no way be increased To prevent the occurrence of such a serious disaster to recipients, and to alleviate the hardship imposed upon those recipients already rendered ineligible by the reassessment program, it is essential that this act take effect immediately.

CHAPTER 32

An act to amend Section 1 of Chapter 27, Statutes of 1956, First Extra Session, relating to an appropriation of funds for flood control projects, and declaring the emergency thereof, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. Section 1 of Chapter 27, Statutes of 1956, First Extra Session, is amended to read:

Section 1. The sum of one million dollars ($1,000,000) is hereby appropriated out of the Flood Control Fund of 1946 to the Department of Water Resources to be expended only for flood control projects. Notwithstanding any other provisions of this act the allocation made by this act shall be available until June 30, 1958. The appropriation made by this act is made pursuant to the State Water Resources Law of 1945 and is to the extent of such appropriation in fulfillment of the policy set forth in that act that the State will pay for such cost of cooperation as provided in that act as necessary for the construction of flood control projects as required by acts of Congress. None of the money appropriated by this act

may be recommended or approved for expenditure while the Legislature is in session, except that where construction money for a project authorized by the Legislature is first made available by Congress when the Legislature is not in session, and expenditures of funds in aid of such project pursuant to this act are commenced prior to the session of the Legislature next succeeding such Congressional appropriation, the department may continue to expend funds in aid of such project pursuant to this chapter until the beginning of the next succeeding fiscal year. The intent of the Legislature in making this appropriation is to provide funds for projects authorized for state cooperation pursuant to the State Water Resources Law of 1945 when construction funds are made available by Congress when the Legislature is not in session and it is necessary to commence acquisition of lands, easements, and rights of way in order that construction may proceed, and to continue to provide funds for such purpose until the beginning of the next succeeding fiscal year, by which time the Legislature will have had the opportunity to make a specific appropriation in aid of any such project. Expenditures of funds appropriated by this act shall be made only upon order of the Department of Water Resources and approval by the Department of Finance.

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 expenditure of money appropriated by Chapter 27, Statutes of 1956, First Extraordinary Session, has already been commenced with respect to the acquisition of necessary lands, easements and rights of way for certain flood control projects which the United States Corps of Engineers has scheduled for start of construction in May of this year. In order that money appropriated by said act will be available for expenditure to complete the acquisition of the lands, easements, and rights of way for such projects so that they will be eligible for federal construction as scheduled, it is essential that this act go into immediate effect.

CHAPTER 33

An act to amend Section 24072.2 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.]

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

SECTION 1. Section 24072.2 of the Business and Professions Code is amended to read:

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 at the time of renewal of the license sought to be exchanged, and not more than once between renewal periods, upon the approval of the department, the payment of an exchange fee of twenty-seven dollars and fifty cents ($27.50), and compliance with the provisions of this division relating to the issuance of an original license. On and after the ninety-first day after the adjournment of the 1959 Regular Session of the Legislature, such an exchange may be made only at the time of renewal of the license sought to be exchanged.

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 January 1, 1957, the law authorizing the issuance of licenses for the sale of alcoholic beverages in public premises which are not restaurants took effect. Many existing on-sale licensees are faced with a difficult decision as to the type of license to choose, whether for a restaurant or for public premises where meals cannot be served. It is anticipated, at least for the initial period of operation under the new law, that many licensees will make decisions which will have to be changed in order for them to stay in business. To facilitate such changes without disrupting an important industry of our State, by permitting exchanges of the two types of licenses at any time, rather than only on renewal dates, it is necessary that this act take immediate effect.

CHAPTER 34

An act to validate the acts, proceedings, and bonds of school districts, declaring the urgency of this act, to take effect immediately.

[Approved by Governor February 4, 1957. Filed with Secretary of State February 4, 1957.] In effect immediately

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a school district 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 district, and all instruments payable from revenues or special funds of such school districts, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All acts and proceedings heretofore taken by or on behalf of any school district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such school district 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 school district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any school district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the school district 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 school district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any school district 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 school district

SEC. 3. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 4. (a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

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

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

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

(e) This act shall be effective only with respect to bonds authorized to be issued at any election held between November 1, 1956, and November 30, 1956.

SEC. 5. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 6. This act may be cited as the School District Validating Act of 1957.

SEC. 7. 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 citizens of the State require the orderly and unhampered functioning of school districts, and such functioning depends upon the validity of acts, proceedings, and bonds of school districts, 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 services and facilities provided by school districts;

(2) Public works and construction by school districts can be commenced and continued without delay or restriction to provide services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) School districts can issue and sell bonds heretofore authorized for the purpose of providing services 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 school districts or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 35

An act making an appropriation for the purchase of poliomyelitis vaccine and for the administration of a poliomyelitis vaccination program, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 5, 1957. Filed with Secretary of State February 5, 1957.] In effect immediately

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

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury, the sum of three million dollars ($3,000,000), to the Department of Public Health, to be

expended during the Fiscal Year 1956-57, for purchase of poliomyelitis vaccine and the administration of a poliomyelitis vaccination program.

SEC. 2. 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 therefore go into effect immediately. The facts constituting such necessity are:

Each year particularly in the summer and autumn, there occur in California a large number of cases of paralytic poliomyelitis. An effective vaccine is now available for the immunization of children and adults against this disease. It is necessary that additional funds be made available at once so that immunization programs may be immediately instituted throughout the State, to prevent the occurrence of similar paralytic cases of poliomyelitis during 1957 and thereafter.

CHAPTER 36

An act to amend Sections 306, 307, 314, 315, 317, 321, 324, 356, 359, 369, 371, 387, 406, 410, 437, 470, 473, 474, 475, 478 and 479 of the Streets and Highways Code, relating to state highways, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 306 of the Streets and Highways Code is amended to read:

Route 6

306. Route 6 is from:

(a) Sacramento to Route 7.

(b) Route 8 near Napa to Route 90 near Winters.

Route 7

SEC. 2. Section 307 of said code is amended to read:

307. Route 7 is from Route 69 in Albany to Route 3 near Red Bluff.

SEC. 3. Section 314 of said code is amended to read:

Route 14

314. Route 14 is from Oakland to Route 7 in Richmond at Cutting Boulevard.

SEC. 4. Section 315 of said code is amended to read:

Route 15

315. Route 15 is from Route 56 near Fort Bragg to Route 37 near Emigrant Gap via Willits, 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. 5. Section 317 of said code is amended to read:

317. Route 17 is from Route 3 south of Roseville to Nevada City. Route 17

SEC. 6. Section 321 of said code is amended to read:

321. Route 21 is from Route 3 near Richvale to Route 29 near Chats via Quincy and Beckwourth Pass. Route 21

SEC. 7. Section 324 of said code is amended to read:

324. Route 24 is from: Route 24

(a) Route 4 near Lodi to San Andreas.

(b) Route 65 near Angels Camp to Route 23 near Mount Bullion via Murphy, Calaveras Big Trees and Dorrington.

(c) Route 23 near Woodfords to the Nevada State line. Route 23

SEC. 8. Section 356 of said code is amended to read:

356. Route 56 is from: Route 56

(a) Route 2 near Los Cruces via Lompoc and Guadalupe to Route 2 near Pismo.

(b) San Luis Obispo to San Francisco along the coast via Cambria, San Simeon 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. 9. Section 359 of said code is amended to read:

359. Route 59 is from: Route 59

(a) Route 4 near Gorman to Route 31 near Cajon Pass

(b) Route 31 near Cajon Pass to Route 43 via Lake Arrowhead

SEC. 10. Section 369 of said code is amended to read:

369. Route 69 is from: Route 69

(a) Route 1 near San Rafael to Point San Quentin.

(b) San Jose to the Richmond-San Rafael Bridge Toll Plaza.

SEC. 11. Section 371 of said code is amended to read:

371. Route 71 is from Route 1 near Crescent City northerly to the Oregon state line. Route 71

SEC. 12. Section 387 of said code is amended to read:

387. Route 87 is from: Route 87

(a) Route 7 near Woodland to Route 21 near Oroville.

(b) Route 21 near Wick's Corner to Route 3 near Chico.

SEC. 13. Section 406 of said code is amended to read:

406. Route 106 is from Route 7 near Hercules to Route 75 north of Concord. Route 106

SEC. 14. Section 410 of said code is amended to read:

410. Route 110 is from Route 5 near Tracy to Route 65 via Modesto. Route 110

SEC. 15. Section 437 of said code is amended to read:

Route 137

437. Route 137 is from Route 58 near Santa Margarita to Route 125 near Creston.

SEC. 16. Section 470 of said code is amended to read:

Route 170

470. Route 170 is from Route 60 near Seal Beach to Route 26 near West Covina.

SEC. 17. Section 473 of said code is amended to read:

Route 173

473. Route 173 is from Route 60 in Santa Monica to Route 2 near Soto Street.

SEC. 18. Section 474 of said code is amended to read:

Route 174

474. Route 174 is from Route 60 west of Inglewood to Route 2 near Miraflores.

SEC. 19. Section 475 of said code is amended to read:

Route 175

475. Route 175 is from Route 60 near Hermosa Beach to Route 43 in Santa Ana Canyon.

SEC. 20. Section 478 of said code is amended to read:

Route 178

478. Route 178 is from Route 168 near Lakewood to Route 174 near Anaheim.

SEC. 21. Section 479 of said code is amended to read:

Route 179

479. Route 179 is from Route 60 near Long Beach to Route 43 near Orange.

Urgency

SEC. 22. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

State highway and freeway work, some of which has previously been undertaken, due to the immediate necessity of relocating State highways to avoid inundation by Federal flood control projects, and some of which is scheduled to be undertaken in the immediate future, has necessitated minor changes in the legislative descriptions of certain state highway routes, without adding any substantial amount of mileage to the state highway system. In order to bring the legislative descriptions of such routes into conformance with such previous or scheduled construction at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 37

An act to amend and renumber Sections 23045 and 23046, each as added by Chapter 954 of the Statutes of 1955, and Section 23333, as added by Chapter 1842 of the Statutes of 1955, of the Business and Professions Code, relating to section numbers.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 23045, as added by Chapter 954 of the Statutes of 1955, of the Business and Professions Code, is amended and renumbered to read:

23046. "Air common carrier" means a person engaged in regularly scheduled air transportation between fixed termini under a certificate of public convenience and necessity issued by the Civil Aeronautics Board, and "airplane" or "common carrier airplane" means an airplane operated in air transportation by an air common carrier.

SEC. 2. Section 23046 of said code is amended and renumbered to read:

23047. "Scheduled flight" means a regularly scheduled and advertised flight of an air common carrier but does not mean each daily operation of airplanes upon such flight.

SEC. 3. Section 23333, as added by Chapter 1842 of the Statutes of 1955, of said code is amended and renumbered to read:

23334. 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.

CHAPTER 38

An act to amend and renumber Section 5083.3, as added by Chapter 5 of the Statutes of 1953, Section 12146, as added by Chapter 1760 of the Statutes of 1953, Section 13205, as added by Chapter 1780 of the Statutes of 1955, and Section 13680, as added by Chapter 968 of the Statutes of 1955, of, and to repeal original Section 8761, as amended by Chapter 401 of the Statutes of 1947, of the Education Code, relating to section numbers.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5083.3, as added by Chapter 5 of the Statutes of 1953, of the Education Code, is amended and renumbered to read:

Validation of certain final apportionments

5083.4. Notwithstanding any provision of law to the contrary, whenever a conditional apportionment has been made to an elementary school district pursuant to Section 5048.1 prior to August 1, 1951, and the school district has subsequently voted to become a part of a union school district before the school district has voted to accept and repay an amount sufficient to include both said entire apportionment made pursuant to Section 5048.1, and all other apportionments made to said school district by the board prior to August 1, 1951, the elementary school district is continued in existence until September 1, 1953, for the purpose of (1) receiving any apportionment made to said district subsequent

to August 1, 1951, under Section 5048.7, as if said elementary district had not voted to unionize with another school district, and (2) for the purpose of voting upon the acceptance and repayment of the apportionment mentioned in (1) or any other apportionment made to said district by the board subsequent to August 1, 1951.

If any elementary school district so described above shall vote, prior to September 1, 1953, to accept and repay any apportionment above mentioned (except of any apportionment made under Section 5048.7), said apportionment shall thereupon become final. Repayment of any apportionment referred to in this section shall be made by said elementary district pursuant to the applicable provisions of this chapter as if no change in boundaries had been made in said district.

SEC. 2. Section 12146, as added by Chapter 1760 of the Statutes of 1953, of said code is amended and renumbered to read:

Credential standards

12147. The minimum standard for each of the following credentials shall be such as may be prescribed by the State Board of Education:

(a) Credential for teaching the blind;
(b) Credential for teaching the partially seeing;
(c) Credential for teaching the deaf;
(d) Credential for teaching the hard of hearing;
(e) Credential for teaching the speech handicapped; and
(f) Credential for teaching the orthopedically handicapped.

Each of these credentials shall authorize such service as may be prescribed by the State Board of Education.

SEC. 3. Section 13205, as added by Chapter 1780 of the Statutes of 1955, of said code is amended and renumbered to read:

Vacation employment assistance

13206. 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.

SEC. 4. Section 13680, as added by Chapter 968 of the Statutes of 1955, of said code is amended and renumbered to read:

District transfers

13681. When any school or other place of employment shall have been transferred from one district to another, any certificated employees who transfer with said school or other place of employment shall be entitled to retain all sickness and injury, sabbatical and other leave rights accumulated by service prior to such transfer and the district to which such school or other place of employment has been transferred shall recognize or grant such rights, including any accumulated rights allowed by the governing board of the district from which the school or other place of employment was trans-

ferred, as fully as if there had been no change in the district maintaining such school or other place of employment.

SEC. 5. Original Section 8761, as amended by Chapter 401 of the Statutes of 1947, of said code is repealed.

CHAPTER 39

An act to maintain the Business and Professions Code by amending Sections 2665, 5227, 6551, 11507, 12700 1, 19215.8, and 25755, and by repealing Section 2327 thereof, relating to the regulation and protection of licensed professions and business enterprises.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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. 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: Physical therapy License

(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; Exceptions

(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.

SEC. 2. Section 5227 of said code is amended to read:

5227. It is the intention of the Legislature to occupy the whole field of regulation by the provisions of this chapter except that nothing in this chapter prohibits enforcement of any or all of its provisions by persons designated so to act by appropriate ordinances duly adopted by any county of this State nor does anything prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing of advertising displays in accordance with the provisions of the Planning Law, Chapter 1 (commencing with Section 65000) of Title 7 of the Government Code, relating to zoning. Limitation

SEC. 3. Section 6551 of said code is amended to read:

Power

6551. For the purposes of this article, the board shall have all the powers of the head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 4. Section 11507 of said code is amended to read:

Definition

11507. "Subdivision" refers to any land or portion thereof subject to the provisions of this chapter as provided in Section 11535.

SEC. 5. Section 12700.1 of said code is amended to read:

Weighmasters Exceptions

12700.1. The following shall not be construed to be public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them at retail directly to consumers;

(b) Producers of agricultural commodities or livestock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based;

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation;

(d) Weighers licensed under the provisions of Section 681 of the Agricultural Code when performing the duties for which they are licensed;

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 of Division 5 of this code, when performing the duties authorized thereby.

SEC. 6. Section 19215 8 of said code is amended to read:

Definition

19215.8. As used in this article "nonresident" means a person who is not a resident of this State at the time he engages in business in the State as described in Section 19215.1 of this code.

SEC. 7. Section 25755 of said code is amended to read:

Enforcement

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 department 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.

SEC. 8. Section 2327 of said code is repealed.

CHAPTER 40

An act to maintain the Civil Code by amending Section 2924c thereof, relating to real property security transactions.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2924c of the Civil Code is amended to read:

2924c. Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance of record thereon, at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding one hundred dollars ($100) in case of a mortgage and fifty dollars ($50) in case of a deed of trust) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Code

CHAPTER 41

An act to maintain the Civil Code by amending and renumbering Section 1859.21, thereof, relating to warehouse receipts.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 1859.21 of the Civil Code is amended and renumbered to read:

1858.21. Except as provided in Section 1858.59, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to anyone who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

CHAPTER 42

An act to maintain the Civil Code by amending Section 1861 thereof, relating to the liens of innkeepers.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 1861 of the Civil Code is amended to read:

Lien

1861. Hotel, motel, inn, boardinghouse and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, or boarders, or lodgers which may be in such hotel, motel, inn, or boarding or lodging house for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, or boarders or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are

Sale

paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such

sale, once every week for four successive weeks prior to the day of sale, in a newspaper of general circulation in the county in which said hotel, motel, inn, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder or lodger at his post-office address, if known, and if not known, such notice shall be addressed to such guest, boarder or lodger at the place where such hotel, motel, inn, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, boardinghouse, or lodginghouse keeper to such guest, boarder or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

Proceeds

This section does not apply to

Exceptions

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, or lodger.

CHAPTER 43

An act to maintain the Code of Civil Procedure, by amending Sections 10, 65.2, 134, 135, 196, 674, 1238, 1247, 1247a, and 1744 thereof, and by adding a chapter heading to Title 10, Part 2 of said code, relating to proceedings in civil cases including the organization, jurisdiction, and administration of courts of justice, and the procedure in civil actions and special proceedings of a civil nature.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 10 of the Code of Civil Procedure is amended to read:

Holiday

10. Holidays within the meaning of this code are every Sunday and such other days as are specified or provided for as holidays in Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code.

SEC. 2. Section 65.2 of said code is amended to read:

Grand jury

65.2. Whenever a grand jury is impaneled, the judge of the superior court of each county, in addition to other matters requiring action, shall call its attention to the provisions of Chapter 1, Division 1, Title 3, and Sections 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation whether the provisions thereof have been complied with, and to note the result of such investigation in its report.

SEC. 3. Section 134 of said code is amended to read:

Judicial holiday

134. No court, other than the Supreme Court and the district courts of appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday by Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code other than a special holiday, except for the following purposes:

Exceptions

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Justice courts

Except as herein provided, justice courts shall always be open for the transaction of business.

SEC. 4. Section 135 of said code is amended to read:

"Special holidays"

135 On all special holidays, as the term "special holidays" is used in Section 6705 of the Government Code, the courts of this State shall be open for the transaction of any and all judicial business. If any day specified or provided for as a holiday in Chapter 7 (commencing with Section 6700) of

Division 7, Title 1 of the Government Code, other than such a special holiday, happens to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day.

SEC. 5. Section 196 of said code is amended to read:

196. Jurors' fees in civil cases, except as by statute otherwise provided, are: Jurors' fees

(a) For attending, as a grand juror or juror in the superior court or municipal court, for each day's attendance, per day, three dollars ($3).

(b) For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents ($0.15).

(c) For attending justice courts, for each juror sworn, three dollars ($3) per day. In addition each juror attending a justice court shall be entitled to fifteen cents ($0.15) per mile, for each mile actually traveled in attending as a juror, in going only, together with meals and lodging.

SEC. 6. Section 674 of said code is amended to read:

674. An abstract of the judgment or decree of any court of this State, including a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterward and before the lien expires, acquire. Such lien continues for 10 years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, minutes or docket in the justice court. Judgment

Contents

SEC. 7. A chapter heading is added to Title 10, Part 2 of said code immediately preceding Section 801.1, to read:

CHAPTER 4A. ACTIONS CONCERNING REAL PROPERTY TITLES AFFECTED BY PUBLIC IMPROVEMENT ASSESSMENTS

SEC. 8. Section 1238 of said code is amended to read:

Eminent domain
Public uses

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Fortifications, magazines, arsenals, Navy yards, Navy and Army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States.

2. Public buildings and grounds for use of a state, or any state institution, or any institution within the State of California which is exempt from taxation under the provisions of Section 1a, of Article XIII of the Constitution of the State of California, and all other public uses authorized by the Legislature of the State of California.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for watercraft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4 Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aque-

ducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. Byroads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph, telephone, radio and wireless lines, systems and plants.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than 10 families, or of any buildings belonging to the State, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipelines.

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes.

12 Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages, towns, or irrigation districts; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irri-

gation district, or the inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

15. The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of, such persons, firms or corporations or which are used by them in their respective businesses; provided, however, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purposes of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; and provided further, that such right shall be exercised only by the city, city and county, county or municipality whose records, or part of whose records, have been, or may be, so lost or destroyed.

16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the Constitution.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of 300 feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within the maximum distance of 300 feet on each side of the center thereof.

19. Propagation, rearing, planting, distribution, protection or conservation of fish.

20. Airports for the landing and taking off of aircraft, and for the construction and maintenance of hangars, mooring masts, flying fields, signal lights and radio equipment.

21. Any work or undertaking of a city, county, or city and county, housing authority or commission, or other political subdivision or public body of the State: (a) to demolish, clear or remove buildings from any area which is detrimental to the safety, health and morals of the people by reason of the dilapidation, overcrowding, faulty arrangement or design, lack of ventilation or sanitary facilities of the dwellings predominating in such areas; or (b) to provide dwellings, apartments or other living accommodations for persons or families who lack the amount of income which is necessary (as determined by the body engaging in said work or undertaking) to enable them to live in decent, safe and sanitary dwellings without overcrowding

22. Terminal facilities, lands, or structures for the receipt, transfer or delivery of passengers or property by any common carrier operating upon any public highway in this State between fixed termini or over a regular route, or for other terminal facilities of any such carrier.

SEC. 9. Section 1247 of said code is amended to read:

1247. The court shall have power: Court power

1. To regulate and determine the place and manner of making connections and crossings, or of enjoying the common use mentioned in subdivision 6 of Section 1240;

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor;

3. To determine the respective rights of different parties seeking condemnation of the same property.

SEC. 10. Section 1247a of said code is amended to read:

1247a. The court shall also have power to regulate and determine the place and manner of removing or relocating structures or improvements, or of enjoying the common use mentioned in subdivision 3 of Section 1240. Same

SEC. 11. Section 1744 of said code is amended to read:

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: Superior court

(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

Salaries and expenses

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.

Payment

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.

Employee benefits

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 on September 9, 1953, or on September 7, 1955, of a position for which a three-step salary schedule is provided, shall be entitled to be paid at the third step of the salary schedule applicable to the position held by him.

CHAPTER 44

An act to maintain the Elections Code by amending Section 1000 thereof, relating to state-wide elections.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 1000 of the Elections Code is amended to read:

1000. Every day upon which a state-wide election is held is a holiday as provided in Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code. The governing body of any county or city in which a local election is held, may declare the election day to be a holiday therein.

CHAPTER 45

An act to maintain the Harbors and Navigation Code by amending Sections 6077, 6106, and 6930 thereof, relating to ports and harbors.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6077 of the Harbors and Navigation Code is amended to read:

6077. It may borrow money and incur indebtedness and issue bonds or other evidence of indebtedness. All bond elections called by the board shall be conducted and held pursuant to Article 1 (commencing with Section 43600) of Chapter 4 of Division 4, Title 4 of the Government Code.

When in that article, the word "city" is used it includes the district and whenever the words "legislative body" are used they mean the board.

The purposes for which bonded indebtedness may be incurred by the district are described in Section 6012.

All bonds issued shall be signed by the board and a district shall not incur a bonded indebtedness which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property in the district.

SEC. 2. Section 6106 of said code is amended to read:

6106. Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4 to 11, inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the word "local agency" shall mean district, and the words "legislative body" shall mean board.

SEC. 3. Section 6930 of said code is amended to read:

6930. Any district organized pursuant to this part may create a bonded debt pursuant to the provisions of Article 1 (commencing with Section 43600) of Chapter 4 of Division 4, Title 4 of the Government Code.

Bonds may be issued for the purpose of raising money for use in carrying out any of the powers and purposes of the district.

CHAPTER 46

An act to maintain the Health and Safety Code by amending Sections 4178 and 4182 thereof, relating to garbage and refuse disposal districts.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 4178 of the Health and Safety Code is amended to read:

4178. The county clerk shall immediately file for record in the office of the county recorder of the county in which the land embraced in the district is situated, and also shall file with the Secretary of State, a certified copy of the order of the board of supervisors. From and after the date of the filing of the certified copy with the Secretary of State, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

SEC. 2. Section 4182 of the said code is amended to read:

4182 The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes, levy a tax to be known as the "_____ garbage and refuse disposal district tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall determine the rate of the tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

CHAPTER 47

An act to maintain the Insurance Code by amending Section 12906 and by repealing Section 922 thereof, relating to the regulation of insurers.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 12906 of the Insurance Code is amended to read:

12906. The governmental agency heretofore known as the Division of Insurance of the Department of Investment is hereby designated the Department of Insurance and is not a part of the Department of Investment. The Department of Insurance remains under the control of the Insurance Commissioner to the same extent as it was under his control prior to the taking effect of this section. The change in name and

removal from the Department of Investment of the governmental agency heretofore known as the Division of Insurance, effected by this section, shall not affect in any manner the deputies or employees of such governmental agency and their employments and positions are hereby expressly continued in existence. The Insurance Commissioner shall remain a member of the Board of Investment and is not a head of a department within the meaning of Sections 1061 and 11151 of the Government Code.

SEC. 2. Section 922 of said code is repealed.

CHAPTER 48

An act to maintain the Labor Code by amending Sections 2653, 2661 and 2700, thereof, relating to the regulation of employments and employment relations.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2653 of the Labor Code is amended to read:

2653. To effectuate the provisions of this part, the division shall have the powers given by Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code to a head of a department.

SEC. 2. Section 2661 of said code is amended to read:

2661. No homeworker's certificate shall be issued to any person under the age of 16 years, except as provided in Chapters 4 and 5 (commencing with Section 16601) of Division 8 of the Education Code; or to any person suffering from an infectious, contagious, or communicable disease or living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease.

SEC. 3. Section 2700 of said code is amended to read:

2700. The provisions of this division shall not limit, change, or in any way qualify the provisions of Divisions 4 and 4.5 of this code, but shall be fully operative and effective in all cases where the provisions of Divisions 4 and 4.5 are not applicable.

CHAPTER 49

An act to maintain the Military and Veterans Code by amending Section 981.8 thereof, relating to educational assistance to veterans.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 981.8 of the Military and Veterans Code is amended to read:

981.8. No veteran, as defined in Section 980 or Section 981.14 of this code, shall receive educational benefits as provided by this code unless he has served at least 90 days on active duty with the armed forces of the United States. This provision shall not apply to a veteran who was discharged due to a service connected disability within said 90-day period.

CHAPTER 50

An act to maintain the Penal Code by amending Sections 67, 1203.1, 4700, 5052, and 5057, by amending the heading of Article 6 (commencing with Section 2046) of Chapter 1, Title 1, Part 3, by amending the heading of Title 4 (commencing with Section 4000) of Part 3, by amending and renumbering the heading of Article 2 (commencing with Section 2895) of Chapter 1, Title 14, Part 2, by adding a chapter heading to Title 4 (commencing with Section 4000), Part 3, and by repealing Section 598a, of said code, relating to crimes and the punishments therefor.

In effect September 11 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 67 of the Penal Code is amended to read:

Bribe

67. Every person who gives or offers any bribe to any executive officer in this State, with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer, is punishable by imprisonment in the state prison not less than one nor more than 14 years, and is disqualified from holding any office in this State.

SEC. 2. Section 1203.1 of said code is amended to read:

Probation, punishment, etc

1203.1. The court or judge thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; provided, however, that where the maximum possible term of such sentence is three years or less, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over three years; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of

probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of in jail, and Section 25359 of the Government Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation of such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and apply such earnings as directed by the court.

County charge

In all such cases if as a condition of probation a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve sentence at intermittent periods such sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of his maintenance shall be a county charge.

Penalty

The court may impose and require any or all of the above-mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer, that should the probationer violate any of the terms or conditions imposed by the court in the instant matter, it shall have authority to modify and change any and all such terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation; provided, however, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. In counties and cities and counties in which there are facilities for taking fingerprints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Disposition of fines

Any other provision of law to the contrary notwithstanding, all fines collected by a county probation officer in any of the courts of this State, as a condition of the granting of proba-

tion, or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund, for the use and benefit of the county.

SEC. 3. The heading of Article 2 of Chapter 1, Title 14, Part 2 of said code is renumbered to be Article 3 (commencing with Section 2895) of Chapter 6, Title 1, Part 3 of said code, and is amended to read:

Article 3. Goods Produced in Public Institutions

SEC. 4. The heading of Article 6 (commencing with Section 2046) of Chapter 1, Title 1, Part 3 of said code is amended to read:

Article 6. California Medium Security Prison

SEC. 5. The heading of Title 4 (commencing with Section 4000) of Part 3 of said code is amended to read:

TITLE 4. COUNTY JAILS, FARMS AND CAMPS

SEC. 6. A chapter heading is added to Title 4 (commencing with Section 4000), Part 3 of said code, immediately preceding Section 4000, to read:

CHAPTER 1. COUNTY JAILS

SEC. 7. Section 4700 of said code is amended to read:

Trial costs

4700. Whenever a trial is had of any person under any of the provisions of Sections 4530 and 4531 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of the county where such trial or hearing is had must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison, the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county, which statement must be sent to the Department of Corrections for its approval; and after such approval, said department must cause the amount of such costs to be paid out of the money appropriated for the support of the state prison, to the county treasurer of the county where such trial or hearing was had.

SEC. 8. Section 5052 of said code is amended to read:

5052. The Director of Corrections and any other officer or employee of the Department of Corrections designated in writing by the director, shall have the power of a head of a depart-

ment pursuant to Article 2 (commencing at Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 9. Section 5057 of said code is amended to read:

5057. Subject to the powers of the Department of Finance under Section 13290 of the Government Code, the director must establish an accounting and auditing system for all of the agencies and institutions including the prisons which comprise the department, except the Youth Authority, in such form as will best facilitate their operation, and may modify the system from time to time. Accounting and auditing system

The accounting and auditing system must include such accounts and records as are found necessary to properly account for all money and property of the prisoners and the inmates.

Except where other disposition is provided by law, all money belonging to the State received by the department, shall be reported to the Controller and deposited in the State Treasury monthly.

SEC. 10. Section 598a of said code is repealed. Repeal

CHAPTER 51

An act to maintain the Public Resources Code by amending Sections 502, 3414, 5540, and 8554, and by repealing Section 514, of said code, relating to natural resources and the conservation, utilization and supervision thereof.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.] In effect September 11, 1957

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

SECTION 1. Section 502 of the Public Resources Code is amended to read:

502. Except as in this division otherwise provided, the provisions of the Government Code relating to state officers and departments shall govern and apply to the conduct of the Department of Natural Resources in every respect the same as if such provisions were herein set forth at length, and wherever in that code the term "head of the department" or similar designation occurs, it shall for the purposes of this division mean the Director of Natural Resources. Definition

SEC. 2. Section 3414 of said code is amended to read:

3414. The Director of Natural Resources, the Director of Finance, and the Chairman of the State Board of Equalization shall constitute a board of review, correction, and equalization, and shall have all the powers and perform such duties as usually devolve upon a county board of equalization under the provisions of Sections 1603 and 1604 of the Revenue and Taxation Code. Board of review

The Director of Natural Resources shall act as secretary of the board, and keep accurate minutes of its proceedings. Secretary

Meeting date

The board of review, correction, and equalization shall meet at the State Capitol on the third Monday before the first Monday in July of each year, and remain in session from day to day until the first Monday in July for the purpose of carrying out the provisions of this article.

SEC. 3. Section 5540 of said code is amended to read:

Property Acquisition, etc

5540. It may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the district, necessary to the full exercise of its powers.

Limitation

A district may not validly convey any interest in any real property actually dedicated and used for park purposes without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose. Consent need not first be obtained for a lease of any real property for a period not exceeding 10 years; and consent need not first be obtained for a transfer of any real property if the Legislature by concurrent resolution authorizes a transfer after a resolution of intention has been adopted by at least a two-thirds vote of the board of directors of the district, specifically describing the property to be conveyed.

SEC. 4. Section 8554 of said code is amended to read:

Designation

8554. The Department of Fish and Game is hereby designated the "official state agency engaged in the conservation or propagation of wild life" referred to in Section 9 of the act of Congress cited in Section 8551 of this code.

Repeal

SEC. 5. Section 514 of said code is repealed.

CHAPTER 52

An act to maintain the Streets and Highways Code by amending Sections 553, 661, 2209, 2214, 4512, and 10404 thereof, relating to public ways and all appurtenances thereto.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 553 of the Streets and Highways Code is amended to read:

Route 235

553. Route 235 is:

(a) High Street, Oakland, between Route 69 and Route 5.

(b) From Route 227 near the intersection of Park Boulevard, Oakland, to Route 75 near Lafayette.

SEC. 2. Section 661 of the Streets and Highways Code is amended to read:

Private corporation

661. In addition to persons, public corporations, and districts specified in this chapter, this chapter shall apply to all private corporations authorized by law to establish or maintain any works or facilities in, under or over any public high-

way. This chapter shall not limit the powers and duties vested by law in the Public Utilities Commission of this State, and in the event of any conflict with regard to the powers and duties given the department in this chapter, those of the Public Utilities Commission shall prevail.

SEC. 3. Section 2209 of the Streets and Highways Code is amended to read:

2209. The department through the commission, the director, and the State Highway Engineer, in their respective jurisdictions, shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with Section 2208 and the other provisions of this chapter as fully as applicable federal laws, rules, or regulations permit. Recommendations

SEC. 4. Section 2214 of the Streets and Highways Code is amended to read:

2214. Federal-aid secondary funds apportioned to any county under Sections 2208-2209, inclusive, and not claimed or used as provided in Sections 2211-2213, inclusive, shall be expended upon federal-aid secondary projects upon the State Highway System in the county group, as specified in Section 187, which includes the county from which released, to the extent that such may be done in conformity with federal law. The money apportioned by the State to match the unexpended balance of the federal aid, in any county in accordance with this section and the federal aid shall be deemed an expenditure to meet the requirements of Section 188.4, and such expenditures shall be subject to Section 188. Federal aid

SEC. 5. Section 4512 of the Streets and Highways Code is amended to read:

4512. "Park Act" means the Park and Playground Act of 1909, Chapter 7 (commencing with Section 38000) of Part 2, Division 3, Title 4 of the Government Code. "Park Act"

SEC. 6. Section 10404 of the Streets and Highways Code is amended to read:

10404. Notice of recordation of assessment shall be given in the manner and form and at the times specified in Sections 4320 and 4321. Notice of recordation of assessment

---

CHAPTER 53

An act to maintain the Water Code by amending Sections 35975 and 55610, by amending and renumbering the heading of Part 5 (commencing with Section 55990) of Division 16, and by repealing Section 1241.5, of said code, relating to the control, utilization and distribution of water.

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.] In effect September 11, 1957

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

SECTION 1. Section 35975 of the Water Code is amended to read:

35975. Unless otherwise provided in the proceedings for the issuance of the bonds, they and the interest on them shall be paid 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.

SEC. 2. Section 55610 of said code is amended to read:

55610. The Revenue Bond Law of 1941 is applicable to districts for the purpose of financing the production, transmission and distribution of water for public or private purposes.

SEC. 3. The heading of Part 5 (commencing with Section 55990) of Division 16 of said code is renumbered and amended to read:

PART 6. REPEALS

Repeal

SEC. 4. Section 1241.5 of said code is repealed.

CHAPTER 54

An act to maintain the Welfare and Institutions Code by amending Section 153 thereof, relating to the Department of Mental Hygiene and the administration thereof.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 153 of the Welfare and Institutions Code is amended to read:

153. Except as in this chapter otherwise prescribed, the provisions of the Government Code relating to state officers and departments shall apply to the Department of Mental Hygiene.

CHAPTER 55

An act to maintain the Welfare and Institutions Code by amending Section 1711 thereof, relating to the Youth Authority and the administration thereof.

In effect September 11, 1957

[Approved by Governor March 26, 1957. Filed with Secretary of State March 27, 1957.]

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

SECTION 1. Section 1711 of the Welfare and Institutions Code is amended to read:

1711. The authority shall consist of five members, one of whom shall be a woman, who shall devote their entire time to its work.

CHAPTER 56

An act to amend Sections 796.1, 796.2, 796.6, 796.9, 828.83, and 829.1 of the Agricultural Code, relating to citrus fruits, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1957. Filed with Secretary of State March 27, 1957.]

In effect immediately

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

SECTION 1. Section 796.1 of the Agricultural Code is amended to read:

796.1. It shall be unlawful to mix or blend any citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Citrus fruits Blending

Any packed citrus fruit which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Deterioration

Oranges (except tangerines and mandarins), grapefruit, and lemons when packed in containers holding more than 25 pounds shall be regularly packed throughout in standard containers as provided and designated for each such citrus fruit in Section 828.83; provided, however, that packed citrus fruit imported into this State from another state need not be packed in said containers if they are packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

Standard containers

All containers of packed citrus fruits when packed in containers holding more than 25 pounds and when loose or packed in a standard container number 58 or 59 which is closed shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown and in the case of a standard container number 58 or 59 which is not closed, the marking requirements of this section need not be shown.

Markings

Standard container number 58 or 59, containing loose or packed oranges, grapefruit or lemons in addition to being marked with the actual count and average diameter of the fruit in the container as required by this section, may be marked with

Additional markings

the corresponding size in terms of the count that such fruits would pack in full-size standard containers as listed in Section 796.3 for oranges, in Section 796.4 for grapefruit and in Section 796.5 for lemons. The number indicating such "count size," if marked on the container, shall be accompanied by the term "size" so as to clearly refer to size, and both shall be in figures and letters no larger in size than the actual count marked on the container. If the "count size" is marked on the container, it must be placed near the statement of contents and the actual count figure must be accompanied by the term "count" so as to clearly refer to the count.

SEC. 2. Section 796.2 of said code is amended to read:

Shipment out of State

796.2. All oranges (except tangerines and mandarins), grapefruit or lemons intended for shipment out of the State of California, before being so shipped, shall be regularly packed throughout in lidded standard containers, as specified in this code for such fruit, and shall be uniform in size.

Limitation

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States Government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds.

Irregular pack

Oranges, grapefruit and lemons intended for shipment out of the State of California in standard container number 58 or 59 need not be regularly packed throughout the container but such container shall be closed.

SEC. 3 Section 796.6 of said code is amended to read:

Markings

796 6 The count of oranges, grapefruit and lemons when packed or placed loose without packing in standard container number 58 or 59 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A below for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

Average diameter

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges		Grapefruit		Lemons	
Column A Count	Column B Av. Dia.	Column A Count	Column B Av. Dia.	Column A Count	Column B Av. Dia.
24	4.370	9	6.200	63	2.925
32	3.970	12	5.640	75	2.775
36	3.820	14	5 350	90	2.625
40	3.680	16	5.120	105	2.475
48	3.470	18	4 920	126	2.345
56	3.300	23	4.540	135	2.270

Oranges		Grapefruit		Lemons	
Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.
72	3.040	27	4.270	150	2.190
88	2.840	32	4.030	180	2.065
113	2.600	36	3.880	216	1.940
138	2.420	40	3.740	221	1.920
163	2.290	48	3.530	245	1.850
180	2.220	64	3.170	270	1.800
210	2.070	80	2.900	294	1.750
245	1.980	88	2.840	319	1.685
270	1.920	---	---	343	1.640

Navel oranges

Until July 1, 1957, the following additional counts and average diameters shall be considered legal when navel orange varieties are packed or placed loose without packing in standard container number 58:

Column A	Column B
Count	Av. Dia.
50	3.420
63	3.170
75	3.000
100	2.720
108	2.640
110	2.625
126	2.500
144	2.375
172	2.250
196	2.150
221	2.050

Permissible count

Oranges, grapefruit and lemons when placed loose without packing in standard container number 58 or 59 must be placed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be equal to the count marked with a permissible count in excess not exceeding 8 percent.

The count of oranges, grapefruit and lemons when packed in standard container number 58 or 59 must be equal to the count marked with a permissible count in excess not exceeding 5 percent.

SEC. 4. Section 796 9 of said code is amended to read:

796.9. As applied to citrus fruits:

Definitions

(a) "Diameter" means the diameter measurement taken at the widest portion of cross section, at a right angle to a straight line drawn from the stem end to the distal end thereof.

(b) "Regularly packed throughout" means that the individual fruits shall be packed in the container in straight rows.

(c) "Uniform in size" means that none of the fruit in any one container may be more than 15 percent larger or smaller in diameter than the average diameter of the fruit in the container.

(d) "Closed" when applied to standard container number 58 or 59 means that the container shall be completely closed by material of a similar quality to the adjoining portion of the box. Nothing in this paragraph applying to standard container number 58 or 59 shall prevent the use of ventilation openings and handhold openings so constructed that they are not large enough for removal of any part of the contents.

SEC. 5. Section 828.83 of said code is amended to read:

Standards: Boxes

828.83.

53	Standard two-compartment orange or grapefruit box, each compartment to be	11½	11½	12
54	Standard one-compartment orange or grapefruit box	11½	11½	24
55	Standard two-compartment half orange or grapefruit box, each compartment to be	5¾	11½	12
56	Standard two-compartment lemon box, each compartment to be	9⅞	13	12½
57	Standard two-compartment half lemon box, each compartment to be	4 15/16	13	12½
58	Standard one-half orange or lemon box	10¼	10 11/16	16⅜
59	Standard one-half grapefruit box	9¾	10 11/16	16⅜

When oranges are placed loose without packing in standard container No. 58, the dimensions may be considered standard when measuring 10½ inches in depth, 10 11/16 inches in width, and 16⅜ inches in length, all inside measurements.

Tolerances

To allow for reasonable variations in the size of container number 58 and 59 by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, the following tolerances from the foregoing dimensions shall be permitted:

A variation of plus or minus of one-eighth of an inch in any two of the dimensions of height, width, or length. Notwithstanding this tolerance the net cubical contents of container number 58 shall not be less than 1,750 cubic inches and the net cubical contents of container No. 59 shall not be less than 1,665 cubic inches.

Until July 1, 1958, the one-half orange or lemon box number 58 when used for packing of oranges or used for packing of

lemons or placing lemons loose without packing, and the one-half grapefruit box number 59 shall be considered standard when measuring 10½ inches in depth, 10 11/16 inches in width and 16⅜ inches in length, all inside measurements.

To allow for reasonable variations in the size of packing containers by reason of manufacturing variations, atmospheric conditions and other factors affecting the size of such containers, the following tolerances from the foregoing dimensions are hereby permitted:

The total inside length of the two compartments of the standard two-compartment orange or grapefruit box, or the standard two-compartment half orange or grapefruit box, shall not be less than 23⅞ inches nor more than 24⅛ inches;

The total inside length of the standard one-compartment orange or grapefruit box shall not be less than 23⅞ inches nor more than 24⅛ inches;

The total inside length of the two compartments of the standard two-compartment lemon box, or the standard two-compartment half lemon box, shall not be less than 24⅞ inches nor more than 25⅛ inches;

If made of wood, tolerance of one-eighth of an inch is hereby permitted in width or depth of any of said standard containers "across the grain" of the wood used in the manufacture thereof, over or under the sizes above specified, and a tolerance of one-thirty-second of an inch over or under such sizes in width or depth "with the grain."

The lids for the above standard orange or grapefruit boxes numbers 53, 54 and 55 shall not exceed 26⅛ inches in length, and for the above standard lemon boxes numbers 56 and 57 shall not exceed 27⅛ inches in length.

Interior parts

Standard container number 58 and 59 shall be considered standard with interior parts such as liners, cleats, posts, or other similar parts, extending from the corners and partially covering the sides or ends or both; providing, (1) the net cubical contents of standard container Nos 58 and 59 are not less than 1,750 and 1,665 cubic inches, respectively, with interior parts in place, and (2) the actual dimensions conform to the specifications in this section when the inside width is measured from the center of the side panels and the inside length from the center of the end panels, both without allowance for any bulge and also with interior parts in place.

SEC. 6. Section 829.1 of said code is amended to read:

Standard container

829.1. 1. Fresh apricots, numbers 1, 5, 6, 7, 8, 9, 22A, 22B, 24 or 27.

2. Strawberries, number 3a.

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 3a or 3b.

4. Cherries, numbers, 4, 10, 11, 12, 12A, 22C, 25 or 27.

5. Oranges, numbers 53, 54, 55 and 58; grapefruit, numbers 53, 54, 55 and 59; lemons, numbers 56, 57 and 58, as provided in Section 828.83.

Urgency

SEC. 7. 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:

A new packing season for citrus fruits will begin in the month of March. It is essential to the protection of the consuming public from fraud and deception that the citrus industry be permitted to use standard container Nos. 58 and 59 of new dimensions throughout the entire packing season in order to establish acceptance in the market for California citrus packed in this new container. Unless this act goes into immediate effect, a large proportion of the citrus pack will already have been shipped.

CHAPTER 57

An act to amend Section 1372 of the Financial Code, relating to investment of funds of retirement systems.

In effect September 11, 1957

[Approved by Governor April 1, 1957. Filed with Secretary of State April 2, 1957.]

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

SECTION 1. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this State it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, including securities authorized for investment by paragraph (f) of subdivision 5 of Section 61 of the Bank Act (for which purpose said paragraph (f) shall be deemed to have been reenacted on December 31, 1948), or by any other law of this State or in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole

and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

CHAPTER 58

An act to amend Section 802 of the Agricultural Code, relating to fruit, nut and vegetable standards.

[Approved by Governor April 1, 1957. Filed with Secretary of State April 2, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 802 of the Agricultural Code is amended to read:

802. As applied to grapes:

"Mature" grapes

(a) "Mature" means that each bunch of the varieties classified above in Group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Thompson Seedless and Malaga varieties of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown in the area south and east of San Gorgonio Pass, Thompson Seedless and Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent, except that Thompson Seedless grapes produced in the area north and west of San Gorgonio Pass shall be considered mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dismar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose and Cardinal varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

"Mature" "Mature" in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than 18 percent and the variety Burger shall test not less than 16 percent.

In the event that the maturity standard fixed for the Thompson Seedless and Malaga varieties of grapes produced in that area northwest of the San Gorgonio Pass should be declared void, it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail.

Juice Any varieties included in Group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in Group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in Group A shall be determined by testing the juice from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety; however, no lot of grapes of the varieties classified in Group A shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

Definitions (b) "Waterberry" means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

(c) "Redberry" means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

(d) "Raisined berries" means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

(e) "Sunburned or dried berries" means grapes which show complete drying out, from any cause, of part or all of any individual berries.

(f) "Severe freezing injury" means damage affecting the pulp of the berries.

CHAPTER 59

An act to maintain the Education Code by amending Sections 1029.1, 8727, 16869, 22605, 22606, 22607, 22609, 22610, 22611, and 24652, amending and renumbering Section 12146, and by repealing Section 8761, as added by Chapter 71 of the Statutes of 1943, Section 16271.3 and Article 10, comprising Sections 4971 to 4973, inclusive, of Chapter 16, Division 2 thereof, relating to institutions of learning, including the establishment, maintenance, government and operation of schools, and libraries.

[Approved by Governor April 1, 1957. Filed with Secretary of State April 2, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1029.1 of the Education Code is amended to read:

1029.1. In districts situated within or partly within cities having a population of more than 500,000 any board of education may provide, from its own funds, for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies as provided in Section 1029. Nothing contained herein shall be construed as prohibiting the board of education of the district from providing protection against such liability partly by means of its own funds and partly by means of insurance written by insurance companies as provided in Section 1029. Insurance

SEC. 2. Section 8727 of said code is amended to read:

8727. Whenever a person residing in an elementary school district but not in any high school district or in any unified school district attends a high school in any district within the State, the governing board of the district maintaining the high school shall on or before July 15th of the succeeding school year certify, separately, to the county superintendent of schools having jurisdiction over the elementary school district the amount chargeable to the elementary school district and the amount chargeable to the county school service fund under the jurisdiction of the county superintendent of schools, as tuition for the education of the person during the preceding school year. Tuition

SEC. 3. Section 12146 of said code, as added by Chapter 1760 of the Statutes of 1953, is amended and renumbered to read:

12147. The minimum standard for each of the following credentials shall be such as may be prescribed by the State Board of Education: Credentials

(a) Credential for teaching the blind;
(b) Credential for teaching the partially seeing;
(c) Credential for teaching the deaf;
(d) Credential for teaching the hard of hearing;

(e) Credential for teaching the speech handicapped; and

(f) Credential for teaching the orthopedically handicapped.

Each of these credentials shall authorize such service as may be prescribed by the State Board of Education.

SEC. 4. Section 16869 of said code is amended to read:

Jurisdiction

16869. Any judge of a municipal or justice court in which the school district is located, or in which the offense is committed, has jurisdiction of all offenses committed under this chapter

SEC. 5. Section 22605 of said code is amended to read:

Petition

22605. The proceedings for the filing and hearing of the petition are governed and controlled by the provisions of Sections 58032, 58033, 58034, 58060, and 58061 of the Government Code

SEC. 6. Section 22606 of said code is amended to read:

Final hearing

22606. The proceedings for final hearing of the petition and the formation of the district are governed and controlled by the provisions of Articles 4 and 5 (commencing with Section 58090) and Article 7 (commencing with Section 58200) of Chapter 1, Title 6 of the Government Code

SEC. 7. Section 22607 of said code is amended to read:

Written protests

22607. On the filing of written protests by registered voters residing in the proposed district equal in number to at least 50 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a governor was elected, the proceeding for the formation of the district shall be terminated as provided in Sections 58103 and 58104 of the Government Code

SEC. 8. Section 22609 of said code is amended to read:

Library district Annexation or exclusion

22609. Territory may be annexed to or excluded from a library district organized under this chapter in the manner provided in Article 8 (commencing with Section 58230) of Chapter 1, Title 6 of the Government Code, upon petition signed by the same number of qualified petitioners required for signature on the petition for organization of the district under this chapter.

SEC. 9. Section 22610 of said code is amended to read:

Consolidation

22610. Two or more districts organized under this chapter may be consolidated in the manner provided in Article 9 (commencing with Section 58260) of Chapter 1, Title 6 of the Government Code.

SEC. 10. Section 22611 of said code is amended to read:

Dissolution

22611. A library district organized under this chapter may be dissolved in the manner provided in Article 10 (commencing with Section 58300) of Chapter 1, Title 6 of the Government Code.

SEC. 11. Section 24652 of said code is amended to read:

Exception

24652. This article does not apply to:

(a) Any institution classified as an educational institution within the meaning and intent of Section 101 of the Internal Revenue Code of the United States or of Section 23701d of

the Revenue and Taxation Code and which, nevertheless, pays general state and county taxes within this State upon any printing plant and printing equipment owned by it.

(b) The production of forms, materials, and supplies at any state educational institution under the exclusive management and control of the State and authorized by law.

(c) Any publication, printed and produced at any state educational institution under the exclusive management and control of the State for the dissemination of technical or scientific information and which is sold at cost.

(d) Printing which may be classified as "instruction" or "student activity."

SEC. 13. Article 10, comprising Sections 4971 to 4973, inclusive, of Chapter 16, Division 2, of said code is repealed. Repeals

SEC. 14. Section 8761 of said code, as added by Chapter 71 of the Statutes of 1943, (amended by Chapter 401 of the Statutes of 1947) is repealed.

SEC. 15. Section 16271.3 of said code is repealed.

CHAPTER 60

An act to maintain the Unemployment Insurance Code by amending Section 3003 thereof, relating to the investment of the Disability Fund.

[Approved by Governor April 1, 1957. Filed with Secretary of State April 2, 1957.] In effect September 11, 1957

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

SECTION 1. Section 3003 of the Unemployment Insurance Code is amended to read:

3003. Except as provided in Sections 3125, 3131, 3151, and 3157, all surplus money in the Disability Fund may be invested solely in interest-bearing obligations of the United States Government or of the State of California, and all interest or earnings therefrom shall be deposited in the Disability Fund.

CHAPTER 61

An act to maintain the Welfare and Institutions Code by repealing Sections 3087.1, 3087.2 and 3087.3 thereof, relating to aid to the needy blind.

[Approved by Governor April 1, 1957. Filed with Secretary of State April 2, 1957.] In effect September 11, 1957

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

SECTION 1. Sections 3087.1, 3087.2 and 3087.3 of the Welfare and Institutions Code, as added by Chapter 394 of the Statutes of 1937, are repealed.

CHAPTER 62

An act to add Article 4 (commencing at Section 380.10) to Chapter 3, Division 3 of the Agricultural Code, relating to poultry, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.]

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

SECTION 1. Article 4 (commencing with Section 380.10) is added to Chapter 3, Division 3 of the Agricultural Code, to read:

Article 4. California Grown Poultry

380.10. As used in this article "chicken poultry meat" means the carcass of chicken poultry or any part thereof, but shall not include live chicken poultry or manufactured products in which chicken is not the main ingredient.

380.11. Before being offered for retail sale in California, chicken poultry meat of chicken poultry grown or raised in California may be marked, or the package in which it is to be offered for retail sale may be marked, with the words "California Grown."

380.12. Chicken poultry meat of chicken poultry not grown or raised in California and packages of such meat shall not be sold or offered for sale in California marked "California Grown," or marked in any way as to imply that such meat is from California grown or raised chicken poultry.

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 people of this State presently are unable to easily ascertain where the poultry they purchase was grown and consequently they are often deceived as to the quality of the poultry and the standards under which it was grown. In order to permit identification of poultry grown in this State at the earliest possible date it is necessary that this act take immediate effect.

CHAPTER 63

An act to amend Section 809 of the Agricultural Code, relating to fruit, nut, and vegetable standards.

In effect September 11, 1957

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.]

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

SECTION 1. Section 809 of the Agricultural Code is amended to read:

809. Unshelled walnuts shall be well dried to the extent that the kernels in not less than 90 percent, by count, of the walnuts, based on the examination of a representative sample of any one lot, are firm and crisp. Unshelled walnuts

Walnuts shall contain not less than 90 percent, by count, based on examination of a representative sample of any one lot, of walnuts free from the following defects: blanks (walnuts without kernels); walnuts containing insects, insect excreta or webbing, or showing damage to kernel by insects; rancid kernels; kernels affected by green or yellow mold; kernels affected by white or gray mold which covers 25 percent or more of the entire surface of the kernel; kernels affected by shriveling to the extent that 50 percent or more of the entire kernel is unpalatable or inedible. Defects

Walnuts shall contain not less than 90 percent, by count, based on a representative sample of any one lot of walnuts free from the following external defects: shells with adhering hull or showing perforations affecting more than one-eighth of the surface.

All containers and subcontainers of walnuts shall bear upon them in plain sight and in plain letters the name of the state or foreign country where the walnuts were produced and the size of the walnuts contained therein, in accordance with the size specifications defined in this section. In the case of containers or subcontainers of contents of more than one pound net weight, such markings shall be in letters not less than one-twentieth ($\frac{1}{20}$) the height of the filled container or subcontainer In the case of containers or subcontainers of contents of one pound or less net weight, such markings shall be in letters not less than one-fourth ($\frac{1}{4}$) inch in height Markings

Walnuts in containers marked "Mammoth" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening ninety-six sixty-fourths inches in diameter Size

Walnuts in containers marked "Jumbo" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening eighty sixty-fourths inches in diameter.

Walnuts in containers marked "Large" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening seventy-seven sixty-fourths inches in diameter, excepting that in the case of the Eureka variety and type the round opening shall be seventy-six sixty-fourths inches in diameter.

Walnuts in containers marked "medium" size or "standard size" shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, pass through a round opening seventy-three sixty-fourths inches in diameter.

Walnuts in containers marked "baby" size shall be of such size that not over 12 percent, by count, of a representative sample of any one lot, shall pass through a round opening sixty sixty-fourths inch in diameter.

CHAPTER 64

An act to add Section 806.1 to the Agricultural Code, relating to plums.

In effect September 11, 1957

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.]

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

SECTION 1. Section 806.1 is added to the Agricultural Code, to read:

806.1. When plums or fresh prunes are packed in standard container number 9c the bottom layer or layers may contain a fewer number of plums or fresh prunes than in the top layer providing (a) the plums or fresh prunes in each such bottom layer are placed so that they are not compact within the layer and (b) all of the plums or fresh prunes in the container are uniform in size as required in Section 806.

CHAPTER 65

An act to amend and renumber Section 1028, as added by Chapter 761 of the Statutes of 1949, Section 13115, as added by Chapter 16 of the Statutes of 1951, Section 21151, as added by Chapter 973 of the Statutes of 1955, Section 53062, as added by Chapter 1823 of the Statutes of 1955, and Section 73649, as added by Chapter 1918 of the Statutes of 1955, of the Government Code, relating to section numbers.

In effect September 11, 1957

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.]

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

SECTION 1. Section 1028, as added by Chapter 761 of the Statutes of 1949, of the Government Code is amended and renumbered to read:

Felony Disqualification

1029. Any person who has been convicted of a felony in this State or any other state, or who has been convicted of any offense in any other state which would have been a felony if committed in this State, is disqualified from holding office or being employed as a peace officer of the State, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the State, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer.

Limitation

Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar

public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

SEC. 2. Section 13115, as added by Chapter 16 of the Statutes of 1951, of the Government Code is amended and renumbered to read:

Removal or relocation of easement or right of way

13118. Whenever a state building or other state structure is about to be constructed and it is necessary to clear any land, public street or public way of any easement or right of way, or the works of any public utility, which would interfere with the state building or structure, the Director of Finance may enter into an agreement with the owner of the easement or right of way, or public utility, for the relocating or removal of any facilities of such public utility or owner which lie in, on, along, or across such land, public street or public way and for the conveying or quitclaiming to the State of any interest of such utility or owner in such land, public street or public way. The cost of such removal or relocation may be paid, with the approval of the State Public Works Board, out of any money available for the construction of the state building or other structure the erection of which necessitates such relocation or removal. Nothing in this section authorizes the relocation or removal at state expense of any public utility works or other facilities which, under the same circumstances, the public utility or owner would be required to relocate or remove at its own expense.

SEC. 3. Section 21151, as added by Chapter 973 of the Statutes of 1955, of the Government Code is amended and renumbered to read:

Contracting agency Special employee

21152. A contracting agency furnishing a public water supply from the Colorado River may employ a person receiving a retirement allowance under this system who has special knowledge, experience and qualifications with reference to problems incident to providing such water supply from said Colorado River, to render services of a professional, scientific, or technical nature, in connection with litigation or prospective litigation involving such contracting agency, and may pay such person for services so rendered, pursuant to written contract setting forth the terms and duties of such employment. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the State Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

Retirement, etc.

Pension reduction

The monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency pursuant to such contract of employment, shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which

he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

Administration

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

Operation

This section shall be effective notwithstanding the provisions of Section 20060 of this code or any other provision of law.

SEC. 4. Section 53062, as added by Chapter 1823 of the Statutes of 1955, of the Government Code is amended and renumbered to read:

Control, etc., of precipitation

53063. 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.

SEC. 5. Section 73649, as added by Chapter 1918 of the Statutes of 1955, of the Government Code, is amended and renumbered to read:

Salaries of clerk and marshal

73650. 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

Promotion

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."

CHAPTER 66

An act to maintain the Government Code by amending Sections 4206, 4208, 14030, 14253, 15481, 27823, 61600, and 75081, by amending and renumbering Sections 1028 and 13115 thereof, by adding Section 12524 thereto, and by repealing Sections 13114, 18595, 18597, 54516.1, and the chapter heading of Chapter 3, Title 7 (as added by Section 9 of Chapter 1895 of the Statutes of 1953) of said code, and

Section 480 of the Penal Code, relating to the organization, operation and maintenance of a system of state and local government.

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1028 of the Government Code, as added by Chapter 761 of the Statutes of 1949, is amended and renumbered to read:

1029. Any person who has been convicted of a felony in this State or any other state, or who has been convicted of any offense in any other state which would have been a felony if committed in this State, is disqualified from holding office or being employed as a peace officer of the State, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the State, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer. Felony: Disqualification

Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. Limitation

SEC. 2. Section 4206 of said code is amended to read:

4206. Suit against the surety or sureties on the contractor's bond may be brought by any claimant, or his assign, at any time after the claimant has ceased to perform labor or furnish material, or both, and until the expiration of six months after the period in which verified claims may be filed as provided in Section 1192.1 of the Code of Civil Procedure. Suit against surety

SEC. 3. Section 4208 of said code is amended to read:

4208. Unless a contractor's bond is filed and approved as provided in this chapter, no claim in favor of the contractor arising under the contract shall be audited, allowed, or paid by any officer of the State, or of any political subdivision or state agency. Persons who have in good faith performed work upon the contract, or supplied materials for the execution thereof, shall receive payment of their respective claims in the manner provided by Sections 1190.1 and 1197.1 of the Code of Civil Procedure upon giving notice by filing statements as provided in Section 1192.1 of the Code of Civil Procedure. Contract claim

SEC 4. Section 480 of the Penal Code, as added by Chapter 333 of the Statutes of 1945, is repealed.

SEC. 5. Section 12524 is added to the Government Code, to read:

Conference

12524. The Attorney General may, from time to time, and as often as occasion may require, call into conference the district attorneys and sheriffs of the several counties and the chiefs of police of the several municipalities of this State, or such of them as he may deem advisable, for the purpose of discussing the duties of their respective offices, with the view of uniform and adequate enforcement of the laws of this State as contemplated by Section 21 of Article V of the Constitution of this State.

SEC. 6. Section 13115 of said code, as added by Chapter 16 of the Statutes of 1951, is amended and renumbered to read:

Removal or relocation of easement and right of way

13115.3. Whenever a state building or other state structure is about to be constructed and it is necessary to clear any land, public street or public way of any easement or right of way, or the works of any public utility, which would interfere with the state building or structure, the Director of Finance may enter into an agreement with the owner of the easement or right of way, or public utility, for the relocating or removal of any facilities of such public utility or owner which lie in, on, along, or across such land, public street or public way and for the conveying or quitclaiming to the State of any interest of such utility or owner in such land, public street or public way. The cost of such removal or relocation may be paid, with the approval of the State Public Works Board, out of any money available for the construction of the state building or other structure the erection of which necessitates such relocation or removal. Nothing in this section authorizes the relocation or removal at state expense of any public utility works or other facilities which, under the same circumstances, the public utility or owner would be required to relocate or remove at its own expense.

SEC. 7. Section 14030 of said code is amended to read:

Revolving fund

14030. The Division of Architecture Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Federal contribution

Money in the fund also may be used, upon approval of the Department of Finance, to finance the cost of any construction projects within the powers and duties of the Division of Archi-

tecture for which the Federal Government will contribute a partial cost thereof; provided, written evidence has been received from a federal agency that money has been appropriated by Congress and the Federal Government will pay to the State the amount specified upon the completion of construction of the project. The Director of Public Works may approve plans, specifications and estimates of cost, and advertise for and receive bids on such projects in anticipation of the receipt of such evidence. Plans, specifications, etc

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

No money in such fund which is derived from an appropriation from the General Fund shall be used to pay the charges imposed by Section 11044 of the Government Code or the charges imposed pursuant to Articles 2 or 3 of Chapter 3, Part 1, Division 3, Title 2 of said code. Limitation

SEC. 8. Section 14253 of said code is amended to read:

14253. Work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority, is not subject to this chapter, whether or not done under public supervision or paid for in whole or part out of public funds Exception

SEC. 9. Section 15481 of said code is amended to read:

15481. The names of the governmental agencies, the heads of which are members of the Board of Investment are the Department of Banking, the Division of Corporations, the Department of Insurance, the Division of Real Estate, and the Division of Building and Loan Board of Investment members

SEC. 10. Section 27823 of said code is amended to read:

27823. The provisions of Sections 26600, 26601, 26602, 26604, 26606 to 26609, inclusive, 26611, 26660 to 26664, inclusive, 26680 to 26684, inclusive, and 26686 of this code and Sections 262 to 262.5, inclusive, of the Code of Civil Procedure apply to constables, and govern their powers, duties, and liabilities. Powers, etc., of constables

SEC. 11. Section 61600 of said code is amended to read:

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: District powers

(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 (j), subject to the consent of the governing body of the county in which said improvement is to be made.

SEC. 12. Section 75081 of said code is amended to read:

Retired judges: Judicial officers

75081. Judges retired pursuant to this chapter, so long as they are entitled by its provisions to receive a retirement allowance, shall be judicial officers of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court as provided in this section.

Assignment

Any such retired judge may, with his own consent, be assigned by the Chairman of the Judicial Council to sit in a court of like jurisdiction as, or higher jurisdiction than, that court from which he was retired; and while so assigned shall have all the powers of a justice or judge thereof.

Salary

If assigned to sit in a court, he shall be paid while so sitting in addition to his retirement allowance the difference, if any, between his retirement allowance and the compensation of a judge of the court to which he is assigned.

Expenses

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such extra compensation and expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a district court of appeal the additional compensation and expenses are chargeable to the State.

(b) When the assignment is to a superior court the difference between the retirement allowance and the State's contribution to a superior court judge's salary, if the State's contribution is greater than the retirement allowance, is

chargeable to the State, and any additional compensation and expenses, are chargeable to the county.

(c) When the assignment is to a municipal court, the additional compensation and expenses are chargeable to the county.

SEC. 13. The chapter heading of Chapter 3, Title 7 of the Government Code, as added thereto by Section 9 of Chapter 1895 of the Statutes of 1953, is repealed. Repeals

SEC. 14. Sections 13114, 18595, and 18597 of the Government Code are repealed.

SEC. 15. Section 54516 1 of the Government Code, as added by Chapter 526 of the Statutes of 1953, is repealed.

CHAPTER 67

An act to maintain the Vehicle Code by amending Sections 141, 383.1, 513, and 713, and by amending and renumbering Section 372.1 thereof, relating to vehicles and vehicular traffic.

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.] In effect September 11, 1957

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

SECTION 1. Section 141 of the Vehicle Code is amended to read:

141. What Vehicles Shall Be Registered. Subject to the exemptions stated in Sections 142, 142.1, and 142.5 hereof, registration of the following vehicles is required when driven or moved upon a highway: any motor vehicle, trailer, semitrailer, pole or pipe dolly, and any auxiliary dolly.

SEC. 2. Section 372.1 of said code, as added by Chapter 1740, Statutes of 1953, is amended and renumbered to read:

372.2. Registration on Quarterly Basis. (a) With respect to vehicles subject to additional registration fees under Section 372, such fees may be paid for a three-month period for one-fourth the regular fee, at the beginning of any calendar quarter. For each quarter that the fee is so paid, an additional fee of two dollars ($2) shall be charged. The department is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia, which shall state the quarter for which the vehicle is licensed. Registration on quarterly basis

(b) Upon a quarterly registration issued after the end of the first month of any quarter, the fee required under this section shall be reduced by one-third for each full calendar month which shall have elapsed since the beginning of such quarter, if such vehicle has not been operated on any highway during such elapsed time without payment of the required fee.

(c) Every quarterly vehicle registration and every certificate or insigne issued under this section shall expire at midnight on the last day of the quarter for which issued and shall be renewed quarterly. The department may upon payment of the proper fees renew the registration of such vehicles for the

next succeeding quarter or for the remainder of the calendar year.

(d) Application for renewal of a vehicle registration expiring on the date above mentioned shall be made by the owner within the first five days of the next succeeding quarter and shall be made by presentation of the certificate or insignia last issued for the vehicle or by presentation of a potential certificate or insignia issued by the department for use at the time of renewal and by payment of the full quarterly fee for such vehicle, as provided in this section, or, if renewal is for the remainder of the calendar year, by payment of the annual fee provided by Section 372, as reduced pursuant to Section 373.

(e) A penalty shall be added and collected upon any application for quarterly renewal of registration made on or after the sixth day of any quarter if the vehicle has been operated upon the highways during any of the first five days of such quarter. The penalty shall be equal to the quarterly registration fee due under this section.

When the quarterly registration of any vehicle expires and such vehicle is not thereafter operated upon the highways, then any application for quarterly renewal of registration made subsequent to the fifth day of the quarter following the expiration of such registration and for succeeding quarters in which such vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application and certificate shall be received by the department upon payment of the proper fees for the current quarter. No penalty shall be collected for any such fees imposed by this code if the department receives the application and certificate of nonoperation within five days after the date the vehicle is first operated during the current quarter.

(f) When application for renewal of registration of a vehicle has been made as required in this section, such vehicle may be operated on the highways until the new certificate or insignia of current registration have been received from the department, upon condition that there be displayed on such vehicle, in addition to the license plate or plates and/or validating devices issued to such vehicle for the previous year, the certificate or insignia issued to such vehicle for the previous quarter.

SEC. 3. Section 383.1 of said code is amended to read:

Refund of fees

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 Government 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.

SEC. 4. Section 512 of said code is amended to read:

Speed limit Construction zone

512. Speed Limit on Highways Where Persons Are at Work. It shall be prima facie a violation of the basic rule declared in Section 510 of this code for any person to operate a vehicle at a speed greater than 25 miles per hour upon any portion of a highway where officers or employees of the agency

having jurisdiction of the same, or any contractor of such agency or his employees, are at work on the roadway or within the right of way so close thereto as to be endangered by passing traffic. The provisions of this section shall apply only when appropriate signs, indicating the limits of the restricted zone, and the speed limit applicable therein, are placed by such agency within 400 feet of each end of such zone. Such signs shall display the figures "25" in the size provided in Section 468.1 and shall indicate the purpose of the speed restriction, but otherwise need not comply with the details set forth in Section 468.1 Nothing in this section shall be deemed to relieve any operator of a vehicle from complying with the provisions of Section 510.

SEC. 5. Section 713 of said code is amended to read:

Reduction of weight limits

713. When Cities May Reduce Weight Limits. (a) Any incorporated city, or city and county may by ordinance prohibit the use of a street to be described in said ordinance by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit to be specified in the ordinance, except with respect to any vehicle which is subject to the provisions of Sections 1031 to 1036, inclusive, of the Public Utilities Code.

(b) No such ordinance shall be effective until appropriate signs are erected indicating either those streets affected by such ordinance or those streets not so affected as such local authority may determine will best serve to give notice of such ordinance.

(c) Except as permitted in this section, no city, or city and county shall have any authority to impose limitations upon the weight of vehicles and loads less than those set forth in this code.

(d) No ordinance proposed to be enacted under this section is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting such ordinance, or, in the case of any state highway, until such proposed ordinance has been submitted by the governing body of such local authority to and approved in writing by the Department of Public Works. In submitting such a proposed ordinance to the department for approval, the governing body of such local authority shall designate therein, an alternate route or routes for the use of such vehicles which shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of such proposed ordinance by the Department of Public Works shall constitute an approval by the department of such alternate route or routes so designated.

(e) No ordinance adopted pursuant to this section shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from such restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or con-

struction of any building or structure upon such restricted street for which a building permit has previously been obtained therefor.

(f) No ordinance adopted pursuant to this section shall apply to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

CHAPTER 68

An act to amend Section 986.3 of the Military and Veterans Code, relating to farm and home purchases, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1957. Filed with Secretary of State April 5, 1957.] In effect immediately

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

SECTION 1. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if: Acquisition of farm or home by department

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

(b) The veteran has agreed with the department actually to reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements, does not exceed the sum of fifteen thousand dollars ($15,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of material men and labor fur-

nishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

Urgency

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

The present law limits the sum which may be loaned to a veteran for the construction of a home to thirteen thousand five hundred dollars ($13,500), while permitting a loan of up to fifteen thousand dollars ($15,000) for purchase of a completed home. This creates an inequitable situation for a veteran who desires to have a home built. In order to receive the benefits of a fifteen-thousand-dollar ($15,000) loan, he must finance its construction through another lending agency and, on completion, refinance through a state loan. Under the present lending conditions, this presents difficulties, involves additional costs, and tends to discourage veterans from constructing new homes. In addition, the veteran loses the advantage of the State's inspection service during the construction of the home. There is an urgent necessity for correcting this inequity.

CHAPTER 69

An act to add Section 814.3 to the Agricultural Code, relating to lettuce containers, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.]

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

SECTION 1. Section 814.3 is added to the Agricultural Code, to read:

814.3. Standard containers for lettuce when made of fibreboard shall be constructed with "inner and outer side flaps" attached to each end and side. The total width of the two side flaps shall not exceed the inside width of the container and when closed after packing, must be closed by folding the inner and outer flaps inward at the manufacturer's score lines which shall be above the inside bottom surface of the container at a point equal to the inside depth of the container, and when fastened in closed position the opening between the outer side flaps must not average more than two inches for the entire length of the container, allowing a 10 percent tolerance for the containers in any one lot. "Inner and outer flaps" means the parts of the container attached to the top of the sides and ends which are used to form the cover or lid of the container.

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 1957 lettuce crop may be packed, shipped, and marketed under the beneficial provisions of the foregoing, this act must take immediate effect.

CHAPTER 70

An act to add Section 814.4 to the Agricultural Code, relating to lettuce, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.]

In effect immediately

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

SECTION 1. Section 814.4 is added to the Agricultural Code, to read:

814.4. Head lettuce, when packed or placed in any container shall have the same numerical count of regularly arranged heads in each layer and none of the heads shall be placed outside of the regular arrangement of uniform flat layers; except, that when heads of lettuce of the two and one-half dozen size when fairly tightly packed, are packed in container 45V, as established by emergency action of the director to be effective April 25, 1956, six heads of the same size or dimensions as contained in the upper and lower layers may be placed between such layers, provided the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads.

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 to properly market this season's crop these modifications must take immediate effect since container 45V is presently authorized but the applicable provisions of this code do not adequately cover the use of such containers.

CHAPTER 71

An act to amend Sections 814, 828.6, 828.7, and 829.4 of, and to add Section 814.1 to, the Agricultural Code, relating to fruits and vegetables.

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 814 of the Agricultural Code is amended to read:

Head lettuce. Requirements

814. Head lettuce shall not be leafy without head formation and shall be fairly well trimmed, free from insect injury, slime, decay or rot affecting leaves within the head, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by broken midribs, bursting, tip burn or freezing Damage caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves.

Tolerance

Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed 5 percent, shall be allowed for decay or slime.

Packing

Head lettuce, when packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size marked, and they shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer and none of the heads shall be placed outside of the regular arrangement of uniform flat layers; except, that when 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A are packed in such container, six heads of the same size or dimensions as contained in the upper and lower layers may be placed between such layers; provided, the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads. Head lettuce for shipment out of this State shall be packed in standard containers which are lidded. Head lettuce for shipment only within this State need not be packed or in standard containers if in containers which are not closed, but if in containers which are lidded such lettuce must be packed and in standard containers.

In addition to other packing requirements in this chapter head lettuce, when packed or placed in layers, shall contain either 1½ dozen, two dozen, 2½ dozen, three dozen, 3½ dozen, four dozen, five dozen, 75 or 90 heads of lettuce per standard container.

Container markings

All containers of packed lettuce shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than one-half inch in height the exact number of heads contained therein; provided, that in the case of lettuce packed in lidded or closed containers without ice the exact number of heads may be marked on the lid of the container; and provided further, that in the case of 10 percent of the crates in any lots the contents may vary not more than three heads over the count as marked.

SEC. 2. Section 814.1 is added to said code, to read:

814.1. All head lettuce, when packed, shall be in standard containers numbers 45 or 45A. Standard container exception

The provisions of this section shall not apply to head lettuce sold to the armed forces of the United States Government or for export markets other than Canada.

SEC. 3. Section 828.6 of said code is amended to read:

828.6.	45	Standard crate ------	14¼	18¼	20½ or 21¾
	45A	Lettuce crate --------	9¾	14	21

SEC. 4. Section 828.7 of said code is amended to read:

828.7. Standard container number 45, when lidded, shall have a lid not over 23⅜ inches in length when constructed with the 20½-inch inside length and not over 24½ inches in length when constructed with the 21¼-inch inside length. The inside length shown hereinabove for standard container number 46, shall be a minimum length, with maximum outside length of 24½ inches; and the inside length shall be measured between the end slats, except that if flat end posts wider than 1½ inches are used, the inside length shall be measured between the posts. Container specifications

SEC. 5. Section 829.4 of said code is amended to read:

829.4. 16. Lettuce, numbers 45, and 45A. Lettuce

CHAPTER 72

An act to amend Section 1062 of the Agricultural Code, relating to economic poisons.

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1062 of the Agricultural Code is amended to read:

1062. The provisions of this article do not apply to any of the preparations, drugs or chemicals intended to be used or sold solely for medicinal use by humans, or for toilet purposes, or to commercial feeding stuffs as defined in Section 1081.

CHAPTER 73

An act to amend Section 1083 of the Agricultural Code, relating to commercial feeding stuffs.

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1083 of the Agricultural Code is amended to read:

Label

1083. Every lot or parcel of commercial feeding stuffs sold or distributed within this State except as otherwise provided in this chapter or by specific regulation of the director declaring the statement not to be applicable to certain products, shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement certifying:

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

(b) The name, brand or trade-mark.

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

(d) The minimum percent of crude protein.

(e) The minimum percent of crude fat.

(f) The maximum percent of crude fiber.

(g) The maximum percent of ash.

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

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

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

(k) In the case of mixed feeds containing more than 5 percent of mineral ingredients, the minimum percentage of calcium (Ca), of phosphorus (P), of iodine (I), and the maximum percentage of salt if the same be added.

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

(m) In the case of commercial feeding stuffs for which special qualities are claimed, such as vitamin potency, amino acid content, or protein quality, a definite guarantee relative to such quality.

(n) In cases where simple animal protein concentrates are sold or distributed the quality index of such protein may be certified to in addition to the minimum percent of crude protein.

Whenever a manufacturer, processor, or mixer of feeding stuffs makes a claim or guarantee relative to the content of such feeding stuffs on or with the package containing same, which claim or guarantee is in addition to those required by law, he shall be responsible for maintaining such claim or guarantee, and may be required to submit information and records pertinent to such claim or guarantee.

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

(o) Any commercial feeding stuffs containing a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or pest, or which is intended to affect the structure or any function of the animal body, shall be labeled to show the amount of such

substance present, directions for use, and any necessary warnings against misuse.

CHAPTER 74

An act to amend Sections 651 and 651.1 of the Fish and Game Code, and Sections 8210 and 8211 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to salmon, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.] In effect immediately

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

SECTION 1. Section 651 of the Fish and Game Code is amended to read:

651. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19, under the authority of a commercial fishing license, salmon may be taken by hook and line between April 15th and September 15th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail. Salmon Limits

SEC. 2. Section 651.1 of said code is amended to read:

651.1. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19, under the authority of a commercial fishing license, king salmon may be taken by hook and line between April 15th and September 15th. Silver salmon may be taken by hook and line between July 1st and September 15th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

It is unlawful to import into this State any king or silver salmon less than the lengths prescribed herein. Importation

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 651 and 660 shall remain in effect insofar as commercial fishing is concerned. Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that such laws or regulations are in effect, the Secretary of State shall notify the department that Section 651.1 is in effect for the year concerned. In order for this section to be effective such notification must be made prior to April 15th of each year. Effective date

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

The salmon fishery is one of the State's most important commercial fishery industries, contributing substantially to the wealth and prosperity of the people, providing a valuable food source and important by-products.

In order to provide for the regulation of the 1957 fishery, it will be necessary for this act to be in effect as of April 15th, 1957.

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect. Stats 1957, Ch 456

SEC. 6. Sections 4 and 5 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 651 and 651.1 of the Fish and Game Code, adopted in 1933, are repealed.

CHAPTER 75

An act to amend Section 812.4, 812.7 and 829.35 of, and add Section 828.62 to, the Agricultural Code, relating to fruits and vegetables.

In effect September 11, 1957

[Approved by Governor April 11, 1957. Filed with Secretary of State April 11, 1957.]

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

SECTION 1. Section 812.4 of the Agricultural Code is amended to read:

812.4. Bunched carrots and carrots with tops removed, whether in consumer packages or not, when in closed wooden, fiberboard or wirebound containers shall be in standard containers numbers 45N, 45O, 45P, 45Q, 45R, or 45T.

SEC. 2. Section 812.7 of said code is amended to read:

812.7. All closed containers of bunched carrots and carrots with tops removed shall bear upon them in plain sight and in plain letters and numbers on one outside end the following:

(a) The name of the person who first packed or authorized the packing or the name under which such person is engaged in business and an address sufficiently explicit to permit ready location of such person.

(b) In the case of bunched carrots or carrots with tops removed and placed in consumer packages, the exact number of dozens of bunches or consumer packages in the container in letters and figures at least one inch in height followed by the term "doz." or "dozen."

The name and address required by subdivision (a) of this section need not be placed upon burlap bags containing carrots with tops removed when such carrots are not in consumer packages.

SEC. 3. Section 828.62 is added to said code, to read:

828.62.

45N Carrot container	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45O Carrot container	$9\frac{3}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45P Carrot container	9	$14\frac{1}{4}$	$21\frac{1}{4}$ or $21\frac{1}{2}$
45Q Carrot container	$9\frac{3}{4}$	9	$17\frac{1}{2}$
45R Carrot container	13	13	25
45T Carrot container	$11\frac{15}{16}$	$11\frac{15}{16}$	$18\frac{3}{4}$

SEC. 4. Section 829.35 of said code is amended to read:

829.35. 14. Carrots, numbers 45N, 45O, 45P, 45Q, 45R and 45T.

15. Cauliflower, number 46.

CHAPTER 76

An act to amend Sections 21362, 21364, 21367, 21368, 21371, 21381, 21382, 21383, 21384, 21391, 21393, 21395, and 21396 of, and to repeal Section 21372 of, the Education Code, relating to the residential schools known as the California Academies for dependent, neglected and homeless children.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 21362 of the Education Code is amended to read:

21362. There are hereby established the following schools: Establishment of schools

One school to be located in the northern part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

One school to be located in the southern part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

One school to be located in the central part of the State, and to be known as the "California Academy at _____" (adding to the name of the school the name of the city nearest its location, the city so honored to be selected by the State Department of Education).

SEC. 2. Section 21364 of said code is amended to read:

21364. The Director of Education shall prescribe rules and regulations for the government of the schools and shall determine, subject to the State Civil Service Act, the number and qualifications of all personnel of the schools, appoint the same, and fix their compensation. Teachers and instructors shall be selected from the standpoint of efficiency in the particular line or subject to be covered by them. Personnel

The instructors and teachers of vocational education and academic subjects shall possess the same qualifications as are Instructors and teachers

now, or may hereafter be, required by any law of this State for instructors and teachers of vocational and academic subjects in the public schools of the State and they shall be certificated as now or hereafter may be required by the provisions of the Education Code.

Rules and regulations

In the academic field as to subjects to be taught and the qualifications of teachers and instructors for all grades and departments, the rules and regulations shall conform as nearly as practicable to the provisions of the Education Code covering similar subjects so as to provide the said California Academies academic departments and to give to the students thereof educational advantages similar in character to those of the public schools of the State.

Religious faith

The religious faith of any child shall be respected and upheld in the administration of the academies, and a child shall not be required to have medical or psychiatric treatment if his parent, guardian, or person standing in loco parentis, in good faith is providing treatment in accordance with the religious tenets of any church, as authorized under Chapter 5 of Division 2 of the Business and Professions Code of California.

Retirement system

Teachers and instructors in the California Academies shall be entitled to all the rights and benefits of the State Teachers' Retirement System.

SEC. 3. Section 21367 of said code is amended to read:

Residential school for minors 9 to 17

21367. Each school is a residential school to which through the procedure provided for herein, minors between the ages of nine (9) and seventeen (17), both inclusive, may be voluntarily admitted as students therein. In no case shall a child guilty of juvenile delinquency be admitted to either of such schools.

Selection

Pupils of the California Academies shall be selected from the dependent, neglected, homeless, and deserving children of the State who obviously are in need of the facilities of such academies, as may be determined by the county selective committee, as provided in Section 21381.

SEC. 4. Section 21368 of said code is amended to read:

Supervision, residence, etc

21368. Each school shall provide supervision, discipline, and training and the residence for the children therein shall be as nearly homelike as practicable. Cottage type residences equipped to accommodate from twelve (12) to fourteen (14) children and a cottage mother shall be deemed to be as nearly homelike as practicable for the purposes of this section.

SEC. 5. Section 21371 of said code is amended to read:

Curriculum

21371. Each academy shall include within its curriculum academic subjects, vocational training, physical culture, home economics and such other subjects of training as may be determined to be proper and suitable.

SEC. 6. Section 21381 of said code is amended to read:

County selection committee on admissions

21381. A committee known as the county selective committee for the California Academies, composed of the county superintendent of schools, as chairman, director of county

welfare department of the county, and five citizens appointed jointly by the county superintendent of schools and the county welfare director, shall pass on the eligibility for admission. Preference shall be given to orphaned children. If either the county superintendent of schools or the county welfare director is unable to attend a meeting thereof he may designate a substitute to act in his stead at such meeting. The county superintendent of schools, or his substitute, the county welfare director, or his substitute, and two lay members of the committee shall constitute a quorum for the transaction of business.

The terms of office of such appointed members shall be four years, except that the terms of three of the first appointed members shall be two years, and they shall hold office until appointment and qualification of their successors.

SEC. 7. Section 21382 of said code is amended to read:

Petition for admission

21382. Any parent or guardian, the welfare director of the county, the person in charge of a state licensed child placing agency in the county, may petition the committee to recommend the admission of any child between the ages of 9 and 17 years as a pupil of the California Academies.

SEC. 8. Section 21383 of said code is amended to read:

Superintendent to pass on admission

21383. The superintendent of such California Academy may pass on the eligibility of all applications for admittance of students to such school presented by the county selective committees and determine their fitness and acceptability as students in such California Academy.

Juvenile court judge

Juvenile court judges are hereby empowered to refer from their courts to the county selective committee of the county for study as to qualifications for admittance as a student in the California Academies any child brought before them between the ages of nine (9) and seventeen (17) years who in their opinion can properly qualify for admission, and upon determination of the committee that such child is otherwise qualified for admission, the juvenile judge shall enter an order waiving jurisdiction of such child for the purpose of allowing the child to attend such academy.

SEC. 9. Section 21384 of said code is amended to read:

Release from academy

21384. When, in the opinion of the superintendent of such academy, it is for the best interest of any child to leave the academy, either temporarily or permanently, it shall be the duty of the county selective committee through the county welfare department, the public school department, or the county probation department, to assist the parent or guardian in making suitable arrangements for the child's return to the community and to see that adequate supervision is provided for at least one year thereafter.

Previous wards of court

If a child has been previously made a ward of the court the county selective committee may at any time study the qualifications of such child for admission as a student in one of the California Academies and if by said committee found eligible the said county selective committee shall proceed in the manner

hereinbefore provided to have the child admitted as a student in one of such schools and upon final admission of such child to the school, petition the court to set aside the order making such child a ward of the juvenile court and dismiss the proceedings against such child in said court.

Escort to and from academy Expense

Parent, if any, or guardian, or some responsible and proper person approved by the superintendent shall accompany the child to and from a California academy and pay for transportation expenses; provided, however, that in no case shall a child be accompanied to the school by any probation officer or peace officer or any person directly connected with a penal, correctional, or detention institution either state, county, or municipal, nor shall any person holding any such position or connected therewith, be appointed guardian of any child subject to this act. When parents or guardians are unable to meet the expense for such transportation the cost of transportation shall be paid from the support funds of the California academies.

SEC. 10. Section 21391 of said code is amended to read:

Charge for service

21391. The Director of Education shall establish a uniform charge for the maintenance, clothing, and care of pupils to be paid by a parent or parents or by the guardian where the ward has an estate from which the same may be paid When, however, the parent or guardian of the child is unable to pay the full amount of the charge, the Director of Education may reduce the charge in whole or in part as the case requires

Payment of charge

When the parent legally responsible for the support of the child fails to pay, or does not pay, the full amount of the charge, or the sum to which said charge has been reduced by the Director of Education if any reduction has been made, the juvenile court of the county of residence of said child at time of his admission to the school may, upon the application of the superintendent of the school, examine the parent or parents and determine the amount of such charge which such parent or parents may reasonably be required to pay and make an order directing such parent or parents to make such payment, and upon the affidavit of the superintendent that any such payment is due and has not been made, execution in favor of the Director of Education may issue for such payment upon the order and at the discretion of the court.

SEC. 11. Section 21393 of said code is amended to read:

Status of academy

21393. Each academy is, in addition to being a public school, an institution within the meaning of Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, and the Director of Education may make application for and receive aid pursuant to said chapter. Aid for needy children maintained at or by any of the academies shall be paid to the California Academies Fund to the same full extent in every respect as is aid payable, under the provisions of said chapter, to any other institution that maintains needy children.

SEC. 12. Section 21395 of said code is amended to read:

21395. For each child admitted to such academies the county of the residence of such child shall pay the State at the rate and in the manner provided in this section for the time such child so admitted remains in such academy; provided, however, that if the parent or guardian of such child pays the full amount of the uniform charge so fixed by the Director of Education the county shall be relieved of the payment for such child; and provided further, that if the charge is reduced in a particular case by the Director of Education pursuant to Section 21391, and the parent or guardian of such child pays such reduced amount, then the county shall only be required to pay the difference between the amount paid by the parent or guardian and the uniform charge fixed by the director, but not to exceed the amount otherwise required to be paid by the county. Payments by the counties shall be made in the same manner and in the same amounts as payments made by the county pursuant to county ordinance or regulation or any amendment thereto which relates to the payment by the county for boarding children in boarding homes, camps or foster homes and which is in effect when the payments required by this section are made by the county. Payments by counties to State

SEC. 13. Section 21396 of said code is amended to read:

21396. All amounts provided for by this article shall be collected and deposited in the State Treasury in the California Academies Fund, hereby created. The Controller shall maintain a separate account in such fund covering the sources from which any moneys are received. None of the moneys in said fund shall be available for expenditure in carrying out the provisions of this chapter except such amounts thereof as are hereafter appropriated by the Legislature for specified purposes. California Academies Fund

Broad powers shall be granted the Director of Education in the securing of special sites, buildings, either by purchase or lease or through gifts to establish the California academies. The academies shall be built up by careful selection of staff and through adoption of sound administrative and educational policies, calling for a gradual development rather than speedy growth. Powers of Director of Education

SEC. 14. Section 21372 of said code is repealed. Repeal

CHAPTER 77

An act to amend Section 796 of the Agricultural Code, relating to grapefruit.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.] In effect September 11, 1957

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

SECTION 1. Section 796 of the Agricultural Code is amended to read:

Grapefruit

796. Grapefruit shall be (1) mature, (2) free from serious decay, (3) free from serious damage by freezing or drying due to any cause, (4) free from serious injury due to any cause, (5) free from serious scars, including those caused by insects, (6) free from serious scale, (7) free from serious dirt, smudge stain, sooty mold, rot residues or other foreign material, (8) free from serious staining, (9) free from serious greenish or brownish rind oil spots, (10) free from serious spotting or pitting, (11) free from serious roughness, (12) free from serious aging, (13) free from serious softness, (14) free from serious sunburn, (15) free from serious sheepnose.

Standards

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

(1) Grapefruit are not mature unless (a) at the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), except that in view of differences in climatic conditions prevailing in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit grown in other areas of the State, grapefruit produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of six parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and (b) 90 percent or more of the grapefruit, by count, at time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color Plate No. 19 L3 in "Dictionary of Color," Maerz & Paul first edition 1930. Grapefruit produced outside of this State under climatic conditions similar to those prevailing in the desert areas and offered for sale in this State shall meet the same maturity standard as that prescribed for grapefruit produced in desert areas. The geographical boundaries of the desert areas of the State of California shall be defined as Imperial County, the portions of Riverside and San Diego Counties located east of a line extending north and south through White Water, and that portion of San Bernardino County located east of the 115 meridian

(2) Decay is serious if any part of the grapefruit is affected with decay.

(3) Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition; and damage by freezing or drying due to any cause is very serious if 40 percent or more of the pulp or edible

portion of the grapefruit shows evidence of drying or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual grapefruit as are necessary.

(4) Injury due to any cause is serious if the skin (rind) is broken and the injury is not healed.

(5) Scars, including those caused by insects, are serious if they are dark, or rough, or deep and if they aggregate 25 percent or more of the fruit surface.

(6) Scale is serious if 50 percent or more of the fruit surface shows scale infestation in excess of 50 scales per square inch.

(7) Dirt, smudge stain, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 25 percent or more of the fruit surface is affected.

(8) Staining of the skin (rind) is serious if 50 percent or more of the fruit surface is affected with a pronounced discoloration.

(9) Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

(10) Spotting or pitting is serious if the spots or pits are sunken and cover an aggregate area of 10 percent or more of the fruit surface.

(11) Roughness is serious if 90 percent or more of the fruit surface is rough and coarse, or lumpy.

(12) Aging is serious if one-third or more of the surface of the grapefruit is dried and hard.

(13) Softness is serious if the grapefruit is flabby.

(14) Sunburn is serious if it causes decided flattening of the fruit and drying and discoloration of the skin (rind) affecting more than one-third of the fruit surface.

(15) Sheepnose is serious if the stem end of the grapefruit protrudes decidedly.

Sampling

The compliance or noncompliance with the standards for grapefruit prescribed in this chapter, except as to maturity, may be determined from a representative sample taken as follows:

(a) When in containers the sample shall consist of not less than 10 percent, by count, of the grapefruit in each of the containers selected as the sample.

(b) When in bulk the sample shall consist of not less than 100 grapefruit, except that where the total number of grapefruit in the bulk lot is less than 1,000 grapefruit a representative sample shall consist of 10 percent of the grapefruit.

Each individual grapefruit may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual grapefruit.

The official sample for testing for maturity of grapefruit shall consist of not less than 30 grapefruit.

Any such sample so taken shall constitute prima facie evidence of the character of the entire lot from which such sample was taken, as provided in Section 782 of this code.

Tolerances

Tolerances to be applied to certain of the foregoing standards are hereby established. The grapefruit in any one container or bulk lot shall be deemed as a whole to meet the requirements of Standards Numbers 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this section so long as not over 10 percent, by count, of the individual grapefruit in such container or bulk lot are below said standards, and so long as not over 5 percent, by count, thereof are below any one of said standards. The grapefruit in any one container or bulk lot shall be deemed, as a whole, to meet the requirements of Standard Number 3 of this section so long as not more than 15 percent, by count, of the individual grapefruit in such container or bulk lot are seriously damaged by freezing or drying due to any cause, but not to exceed one-third of this tolerance shall be allowed for very serious damage by freezing or drying due to any cause.

CHAPTER 78

An act to amend Section 870.6 of the Agricultural Code, relating to olives.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 870.6 of the Agricultural Code is amended to read:

870.6. The following varieties of ripe olives below the specified sizes shall not be packed, shipped, delivered for shipment, or sold within the State of California, 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 79

An act to amend Sections 8711 and 8713 of and to repeal Section 8712 of, the Health and Safety Code, relating to cemeteries.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8711 of the Health and Safety Code is amended to read:

8711. The cemetery authority or other person directed by the court shall accept the newly created plots and shall sell and convey them only for interment purposes.

SEC. 2. Section 8712 of said code is repealed.

SEC. 3. Section 8713 of said code is amended to read:

8713. The vacation of an alley, avenue, roadway, walk, driveway, street, or park adjacent to a privately owned plot does not vest any interest in the owner of the plot to the vacated portion; but the adjacent owner shall, for 10 days after the date of the order of vacation, have the right to purchase the new plots.

CHAPTER 80

An act to add Sections 16315 and 16316 to the Government Code, relating to state expenditures.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 16315 is added to the Government Code, to read as follows:

16315. Any appropriation made for major construction, improvements, equipment, designs, working plans, and specifications may be expended to reimburse the Division of Architecture Revolving Fund or the University of California for expenditures incurred prior to the availability of such appropriation; provided, that the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such appropriation in accordance with any applicable provision of law. Any money in the Division of Architecture Revolving Fund may be expended or encumbered for expenditure prior to the availability of such appropriation for any project as to which reimbursement of the fund therefor is authorized by this section.

Nothing herein contained shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for major construction, improvements, and equipment for the use, development or enlargement of the University of California.

SEC. 2. Section 16316 is added to the Government Code, to read as follows:

16316. Any appropriation made for acquisition of real property may be expended to pay for expenses incurred for appraisals, title searches, surveys and other investigations prior to the availability of such appropriation, provided that the Director of Finance has approved the incurring of such preliminary expenses.

CHAPTER 81

An act to amend Section 11006 of the Government Code, relating to authorizing the creation of deficiencies in appropriations.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 11006 of the Government Code is amended to read:

11006. With the written consent of the Governor, the Director of Finance may in writing authorize the creation of deficiencies in the amount of twenty-five thousand dollars ($25,000), or more, in any appropriation of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purposes. If any such deficiencies are in the amount of less than twenty-five thousand dollars ($25.000) they may be authorized by the Director of Finance without the written consent of the Governor. No deficiency shall be authorized except upon the written authority, first obtained, as provided in this section. Any indebtedness attempted to be created against the State in violation of this section is void, and shall not be allowed by the director or the Controller.

CHAPTER 82

An act to amend Section 4804 of the Business and Professions Code, relating to veterinary medicine.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 4804 of the Business and Professions Code is amended to read:

4804. The board shall elect a president, vice president, and such other officers as shall be necessary, from its membership. The board may require any or all officers of the board to give a bond to the State of California in such form and penalty as it deems proper. The Attorney General shall act as counsel

for the board and the members thereof in their official or individual capacity for any act done under the color of official right.

CHAPTER 83

An act to repeal Section 3881 of, and to add Section 3881 to, the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.] In effect immediately

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

SECTION 1. Section 3881 of the Education Code is hereby repealed. Repeal

SEC. 2. Section 3881 is added to said code, to read:

3881. Whenever a union or joint union elementary school district is comprised of territory situated in two high school districts, the governing boards of the high school districts and the governing board of the union or joint union elementary school district may present to the county superintendent of schools a petition signed by a majority of the members of the governing boards of each of said districts asking that the boundaries of the high school districts be changed by the exclusion of the union or joint union school district from one of the high school districts and the inclusion of the entire district in the other high school district. If all of the districts are not under the jurisdiction of the same county superintendent of schools, then duplicate copies of the petition shall be presented to the county superintendent of schools of each county in which any part of any of the districts is situated. The county superintendent of schools shall verify the signatures of the governing boards of the district, or districts, under his jurisdiction. If all of the districts are not under the jurisdiction of the same county superintendent of schools, the county superintendents having jurisdiction of the high school districts shall certify to the county superintendent having jurisdiction of the union or joint union elementary school district their findings concerning the signatures of the governing boards of the high school districts under their jurisdiction. Union or joint union school district. Petition re boundaries

If the county superintendent of schools having jurisdiction of the union or joint union elementary school 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. Any order of the board of supervisors directing the change of boundaries shall not become effective nor shall it be recorded unless and until it is approved by the county committee on Procedure

school district organization of the county having jurisdiction of the union or joint union elementary school districts.

Urgency

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

Under existing law there is no procedure prescribed whereby a joint union elementary school district situated in two high school districts may have the boundaries of the high school districts changed so as to include all the territory of such elementary district in one of the high school districts and exclude such territory from the other high school district. Since problems pertaining to school district organization affect the financing of necessary school building construction of the districts concerned, it is necessary that this act take effect immediately.

CHAPTER 84

An act to amend Sections 73433 and 73433.5 of the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 73433 of the Government Code is amended to read:

Municipal court appointees

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) One deputy clerk, to be designated as "clerk II";

(d) Two deputy clerks, to be designated as "municipal legal clerk II";

(e) Three deputy clerks, to be designated as "municipal legal clerk I";

(f) One deputy clerk, to be designated as "telephone operator";

(g) Four deputy clerks, to be designated as "typist clerk II"; and

(h) Two deputy clerks to be designated as "typist clerk I."

SEC. 2. Section 73433.5 of said code is amended to read:

Clerk of municipal court Salaries, etc.

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	$412	$433	$455	$478	$502
Account clerk III	1	338	355	373	392	412
Department court clerk	3	307	322	338	355	373
Clerk II	1	252	265	278	292	307
Municipal legal clerk II	2	322	338	355	373	392
Municipal legal clerk I	3	292	307	322	338	355
Telephone operator	1	240	252	265	278	292
Typist clerk II	4	252	265	278	292	307
Typist clerk I	2	218	229	240	252	265

(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.

CHAPTER 85

An act to add Section 54953.3 to the Government Code, relating to meetings of legislative bodies of local agencies.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 54953.3 is added to the Government Code, to read:

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

CHAPTER 86

An act to amend Section 6322.1 of the Business and Professions Code, relating to law library funds.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. The board of law library trustees of any county may increase the costs provided in Sections 6321 and 6322 to not more than three dollars ($3) for each event there described whenever they shall determine that the increase is necessary to defray the expenses of the law library.

CHAPTER 87

An act to amend Section 2847 of, and to add Section 2847.7 to, the Elections Code, relating to membership on a state central committee.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 2847 of the Elections 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 except as provided in Section 2847.7, which applies only to vacancies on a state central committee. 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.

SEC. 2. Section 2847.7 is added to said code, to read:

2847.7. Should a member of a state central committee appointed to such membership pursuant to Section 2803 cease to be a member for any of the reasons specified in Section 2847, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of the committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy.

CHAPTER 88

An act to repeal Chapter 2 and Article 1 of Chapter 4 of Division 4, and Sections 801 to 842, inclusive, Sections 899, 981.14, and 981.8 of the Military and Veterans Code, relating to state assistance for veterans.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 2 (commencing at Section 720) of Division 4 of the Military and Veterans Code is repealed.

SEC. 2. Sections 801 to 842, inclusive, of said code are repealed.

SEC. 3. Article 1 (commencing at Section 870) of Chapter 4 of Division 4 of said code is repealed.

SEC. 4. Sections 899, 981.14, and 981.8 of said code are repealed.

CHAPTER 89

An act to amend Sections 996.19 and 996.20 of the Military and Veterans Code, relating to the Veterans Affairs Construction Fund.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 996.19 of the Military and Veterans Code is amended to read:

996.19. The building or improvements provided under the provisions of this article may contain space in excess of the requirements of the Department of Veterans Affairs, and, until needed, may be leased or let at such rental and upon such terms and conditions as may be approved by the Department of Veterans Affairs; provided, that rentals charged shall be sufficient to provide a return of any moneys transferred pursuant to Section 996.15 for the acquisition of real property and the cost of the construction of such building or improvements until the entire amount so transferred, together with such rate of interest thereon as prescribed by the Director of Veterans Affairs, with approval of the California Veterans Board, has been returned to the Veterans' Farm and Home Building Fund of 1943.

SEC. 2. Section 996 20 of said code is amended to read:

996.20. At least annually and oftener if the amount collected should warrant, there shall be returned from the Veterans Affairs Construction Fund to the Veterans' Farm and Home Building Fund of 1943 such amounts as are not necessary to meet financial requirements of the Veterans Affairs Construction Fund; the returnable amounts to be determined by the Department of Veterans Affairs. The amounts so returned shall be applied first to accrued interest and the remainder to principal.

CHAPTER 90

An act to amend Section 988.3 of the Military and Veterans Code, relating to advances of money to the Department of Veterans Affairs by the State Department of Finance.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

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

988.3. The State Department of Finance is hereby authorized to provide for advances of money to the department, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars ($25,000), as the said

Department of Finance shall deem necessary, and to provide for advances of money to the department, needed to carry out the provisions of Articles 3 and 3.5 of this chapter to such an amount not exceeding ten million dollars ($10,000,000), as the said Department of Finance may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw his warrants upon the Veterans' Farm and Home Building Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same.

CHAPTER 91

An act to amend Section 986.7 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 986.7 of the Military and Veterans Code is amended to read:

986.7. Before the purchase of any property by the department there shall be filed with the department an appraisement of the market value of the property by an employee or an authorized agent of the department, and in addition there may be filed with the department an appraisement of the market value of the property by an authorized appraiser of a banking corporation formed under the laws of this State of a national banking association having a place of business in this State. Each appraisement shall be certified by the maker thereof. The certification shall state that it is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the maker.

CHAPTER 92

An act to amend Sections 665 and 668 of the Agricultural Code, relating to milk products licenses.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 665 of the Agricultural Code is amended to read:

665. Before engaging in the business of manufacturing, preparing, or processing acidophilus milk or modified milk, every person, in addition to the milk products plant license, shall obtain and hold an acidophilus milk license or a modified

milk license, as the case may be, from the director. Upon receipt of application for either of such licenses, the director shall investigate the equipment and sanitary conditions of the place where such acidophilus milk or modified milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars ($100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the thirty-first day of December of each year. Separate licenses are required for acidophilus milk and modified milk.

SEC. 2. Section 668 of said code is amended to read:

668. As used in this chapter

(a) Wholesale dealer means:

1. Any person who sells imitation milk, imitation cream or any imitation milk product other than imitation ice cream or imitation ice milk in quantities of one full case or more at a time or in the same transaction;

2. Any person who sells oleomargarine or margarine, renovated butter or any substitute for butter in quantities of 10 pounds or more at a time or in the same transaction;

3. Any person who sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

(b) Retail dealer means all persons who sell any of the above mentioned products in smaller quantities than those necessary to constitute a seller a wholesale dealer.

CHAPTER 93

An act to amend Section 7300 of the Welfare and Institutions Code, relating to the name of the Langley Porter Clinic.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 7300 of the Welfare and Institutions Code is amended to read:

7300. There is an acute neuropsychiatric hospital located on the grounds adjacent to the campus of the University of California Medical School which shall be the Langley Porter Neuropsychiatric Institute.

Whenever in any provision of this code, or in any statute heretofore or hereafter enacted the term "the Langley Porter Clinic" is used, it shall be deemed to mean the Langley Porter Neuropsychiatric Institute.

CHAPTER 94

An act to amend Sections 586 and 587 of the Vehicle Code, relating to fire department vehicles.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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:

Parking, etc Restrictions

(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. This paragraph shall not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(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.

SEC. 2. Section 587 of said code is amended to read:

Parking, etc. Fire hydrant

587. Stopping, Standing or Parking in Front of a Fire Hydrant. No person shall stop, park or leave standing any vehicle within 15 feet of a fire hydrant except when local authorities indicate a different distance by signs or markings, and except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity. This section shall not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

CHAPTER 95

An act to amend Section 987 of the Military and Veterans Code, relating to farm and home purchases.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

Farm and home purchasing Initial payment

SECTION 1. Section 987 of the Military and Veterans Code is amended to read:

987. The purchaser shall make an initial payment of at least 10 percent of the purchase price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall equal the amount to be paid by the department plus at least 10 percent in the case of a farm and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years, together with interest thereon at the rate as determined by the department for such amortization purposes. The department shall establish the actual interest rate to be paid from year to year. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract. The California Veterans Board and the Veterans' Finance Committee shall annually in the month of September make a finding as to the rate of interest to be charged for the ensuing year, taking into consideration the current value of money and the solvency of the Veterans'

Farm and Home Building Fund of 1943. The rate established shall be applicable alike to all contract holders, and shall not exceed 4 percent per annum, nor be less than 2½ percent per annum. The California Veterans Board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment. In the event that the California Veterans Board and the Veterans' Finance Committee fail to establish the rate of interest for any year, the rate of interest established for the preceding year or years shall be continued until changed as provided in this section. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the department may for good cause postpone from time to time, upon terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon.

Interest rate

Postpone installment

CHAPTER 96

An act to add Section 32314 to the Health and Safety Code, relating to call and redemption of bonds of hospital districts

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 32314 is added to the Health and Safety Code, to read:

32314. The board may provide that any bond issued by the district may be subject to call and retirement prior to maturity at such times and prices and upon such other terms as the board may specify If a bond is subject to call and retirement prior to maturity that fact shall be stated in the bond.

CHAPTER 97

An act to amend Sections 72003 and 72053 of the Government Code, relating to traveling expenses of officers and attaches of the municipal court.

[Approved by Governor April 12, 1957 Filed with Secretary of State April 12, 1957]

In effect September 11, 1957

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

SECTION 1. Section 72003 of the Government Code is amended to read:

72003. In addition to salaries, the judges of the municipal court shall be allowed traveling expenses of ten cents ($0.10) a mile for each mile actually traveled when the business of the court requires their attendance in any department or at any session situated or held more than 12 miles from the principal office or the place designated by the supervisors for holding regular sessions of the court. The mileage allowance shall not be computed upon a greater distance than that between the principal office and such departments of the court, or that between the place for regular sessions and such special or extra session of the court.

SEC. 2. Section 72053 of the Government Code is amended to read:

72053. In addition to salary, the clerk, deputy clerk, commissioner, and court reporter of the municipal court shall be allowed his necessary traveling expenses not exceeding ten cents ($0.10) a mile for each mile traveled when the business of the court requires him to travel from the principal office of the clerk or from one department of the court to another department situated more than 12 miles from the point of departure, or from the principal office of the clerk to the place of special or extra session held more than 12 miles from the point of departure, and his reasonable and necessary incidental expenses incurred in the actual performance of his duties.

CHAPTER 98

An act to amend Section 795.5 of the Agricultural Code, relating to citrus fruit.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 795.5 of the Agricultural Code is amended to read:

Lemons

795.5. Lemons shall be (1) mature, (2) free from serious decay, (3) free from serious damage by freezing, internal decline, sunburn or drying due to any cause, (4) free from serious injury due to any cause, (5) free from serious scars, including those caused by insects, (6) free from serious scale, (7) free from serious dirt, sooty mold, rot residues or other foreign material, (8) free from serious staining, including smudge stain, (9) free from serious red blotch, (10) free from serious greenish or brownish rind oil spots, (11) free from serious peteca, (12) free from serious spotting and pitting other than peteca, including black pit, Septoria, anthracnose, and cold storage injury, (13) free from serious deformities, (14) free from serious bud mite damage, (15) free from serious aging.

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

(1) Lemons are mature when they have a juice content of 30 percent or more by volume, except that lemons packed for export to markets other than Canada shall not be required to meet this standard.

Determination of maturity shall be made as follows: The volume of a representative sample of at least 25 lemons from the containers or bulk lot shall be measured by water displacement in a graduate. The juice is then extracted from the sample by reaming, screened by pressing through cheesecloth, and its volume measured in a graduate. The percent of juice by volume is found by dividing the juice volume by the fruit volume and multiplying by 100.

(2) Decay is serious if any part of the lemon is affected with decay.

(3) Damage by freezing, or internal decline, or sunburn, or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the lemon shows evidence of drying, or staining (except membranous stain), or a mushy condition. Damage by internal decline is also serious if the core shows gumming for its entire length. Evidence of damage shall be determined by as many cuts of each individual lemon as are necessary.

(4) Injury due to any cause is serious if the skin (rind) is broken and the injury is not healed.

(5) Scars, including those caused by insects, are serious if they are dark, or rough, or deep and if they aggregate 25 percent or more of the fruit surface.

(6) Scale is serious on the individual lemon if each of three circular areas one inch in diameter, selected as the worst infested areas, each has 15 or more scales.

(7) Dirt, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 10 percent or more of the fruit surface is affected by one or more of the defects mentioned in this paragraph.

(8) Staining of the skin (rind), including smudge stain, is serious if one-third or more of the fruit surface is affected with a pronounced discoloration.

(9) Red blotch is serious if the affected area or areas aggregate 10 percent or more of the fruit surface.

(10) Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

(11) Peteca is serious if the spots or pits cover an aggregate area of 10 percent or more of the fruit surface.

(12) Spotting and pitting, other than peteca, are serious if the spots or pits are sunken and cover in the aggregate an area more than one-half an inch in diameter.

(13) Deformities, other than from bud mite damage, are serious if one-third or more of the individual fruit surface is malformed, or ridgy, or lumpy.

(14) Bud mite damage is serious if 20 percent or more of the individual fruit surface is malformed, or the stylar end shows a definite division, or is open.

(15) Aging is serious if 25 percent or more of the surface of the lemon is shriveled or hard.

Sampling

The compliance or noncompliance with the standards for lemons prescribed in this chapter, except as to maturity, may be determined from a representative sample taken as follows:

(a) When in containers the sample shall consist of not less than 5 percent, by count, of the lemons in each of the containers selected as the sample.

(b) When in bulk the sample shall consist of not less than 100 lemons, except that where the total number of lemons in the bulk lot is less than 1,000 lemons a representative sample shall consist of 10 percent of the lemons.

Each individual lemon may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual lemon.

Tolerances

Tolerances to be applied to the foregoing standards are hereby established:

A. There shall be no tolerance for failure to meet the maturity requirements as set forth in standard (1) above.

B. With respect to standard (3) above:

(i) Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements because of damage by internal decline or sunburn or drying for any cause other than freezing.

(ii) Not more than 10 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements because of damage by freezing, but not to exceed one-half of this tolerance, or 5 percent, shall be allowed for lemons which show damage by freezing in 40 percent or more of the pulp or edible portion of the lemon.

In no case may the total tolerance for serious defects in standard (3) exceed 10 percent.

C. Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements of any one or a combination of the standards set forth in standards (2) and (4) to (15), inclusive, above.

D. In no case may the total tolerance for serious defects in standards 2 to 15, inclusive, exceed 15 percent.

CHAPTER 99

An act to amend Section 29714 of the Government Code, relating to the rejection of claims against counties where board of supervisors fails to act thereon.

In effect September 11, 1957

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

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

SECTION 1. Section 29714 of the Government Code is amended to read:

29714. If the board refuses or neglects to allow or reject a claim for 90 days after it is filed with the clerk, such refusal or neglect shall constitute final action and rejection on the ninetieth day. This section shall apply to causes of action existing when this section becomes effective. The time for commencement of existing causes of action which would be barred by this section within the first six months this section becomes effective shall be six months after the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session.

CHAPTER 100

An act to amend Section 806 of the Agricultural Code, relating to plums and prunes.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 806 of the Agricultural Code is amended to read:

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots or other causes. Plums and fresh prunes

Damage to any one plum or fresh prune is serious if it is caused by: Serious damage

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of a inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 percent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots when they cause the plum to be seriously malformed.

Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. Tolerance

An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be per-

mitted for plums or fresh prunes damaged by hail, providing that:

Hail damage (1) In the case of plums or fresh prunes having a minimum diameter of $1\frac{7}{16}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune; or

(2) In the case of plums or fresh prunes having a minimum diameter of less than $1\frac{7}{16}$ inches, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter; and

"Hail marked" (3) The containers in which they are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half inch in height, with the words "Hail Marked" or when in bulk lots they are conspicuously placarded "Hail Marked."

Size Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

Container markings All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, and if not known, the words "unknown variety."

(d) A designation indicating the size of the plums or fresh prunes in the container as follows:

(1) When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(2) When wrapped and packed throughout in a straight side container, the count.

(3) When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate and the "round stave" baskets, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like size type, or the numerical description.

(4) When loose in any closed container other than "round stave" baskets, the numerical description.

Definitions "Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate and the designations shall indicate the minimum diameters as follows:

"4 x 4 size" means $1\frac{1}{16}$ inches minimum diameter
"4 x 5 size" means $1\frac{9}{16}$ inches minimum diameter
"5 x 5 size" means $1\frac{7}{16}$ inches minimum diameter
"5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter
"6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter

Other sizes, larger or smaller than the numerical descriptions defined herein shall have proportionate minimum diameter requirements.

The "minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem end to the distal end thereof.

When the numerical description is used to designate the contents of a container the plums or fresh prunes therein shall conform to the minimum diameter requirements for the numerical description marked on the container.

When the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

Standard containers

Plums and fresh prunes shall be in standard containers numbers 1, 1A, 5, 6, 7, 8, 9, 9C, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 22D, 23, 24, 25, 26 or 27.

Container number 23 shall be standard for plums and fresh prunes only when such fruits are wrapped and packed throughout the container.

Container number 25 shall be standard for plums and fresh prunes only when used with a three-eighths inch cleat or an eleven-sixteenths inch cleat regardless of any other provision of Section 828.85.

Container number 25 may be used without a cleat or with any cleat other than those provided for in this section and other size containers than those provided in this section may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such containers, in letters not less than one-half inch in height, "irregular container."

CHAPTER 101

An act to add Section 97.1 to the Drainage District Act of 1903 (Ch. 238, Stats. 1903), relating to the powers of such a drainage district.

[Approved by Governor April 12, 1957. Filed with Secretary of State April 12, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 97.1 is added to the Drainage District Act of 1903 (Ch. 238, Stats. 1903), to read:

Sec. 97.1. In addition to other powers in this act conferred, drainage districts shall have power to sell, lease or convey any of its rights, works or other property or any interest therein, and 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 of them, for the acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property, in aid of any lawful object or purpose of the district.

CHAPTER 102

An act to amend Sections 1377 and 1378 of the Penal Code, relating to compromising certain public offenses by leave of court.

In effect September 11, 1957

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 1377 of the Penal Code is amended to read:

Compromise of offense

1377. When the person injured by an act constituting a misdemeanor has a remedy by a civil action, the offense may be compromised as provided in the next section, except when it is committed:

Exceptions

1. By or upon an officer of justice, while in the execution of the duties of his office;

2. Riotously;

3. With an intent to commit a felony.

SEC. 2. Section 1378 of the Penal Code is amended to read:

Court order

1378. If the person injured appears before the court in which the action is pending at any time before trial, and acknowledges that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs incurred, order all proceedings to be stayed upon the prosecution, and the defendant to be discharged therefrom; but in such case the reasons for the order must be set forth therein, and entered on the minutes. The order is a bar to another prosecution for the same offense.

CHAPTER 103

An act to amend Section 650.7 of the Vehicle Code, relating to motor vehicle equipment.

In effect September 11, 1957

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 650.7 of the Vehicle Code is amended to read:

650.7. Additional Lights—Authorized Emergency Vehicles. In addition to the forward burning red light required by Section 454, authorized emergency vehicles may display red lights to the sides or rear of such vehicles. Revolving red lights may be used only to supplement the forward burning red light required by Section 454.

CHAPTER 104

An act to amend Section 6873 of the Public Resources Code, relating to oil, gas, and mineral leases of state lands.

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6873 of the Public Resources Code is amended to read:

Lease of tide or submerged lands Provisions

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:

(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; provided, however, that this subsection (b) shall not be deemed to apply to deposit on or passage into said waters of water not containing any hydrocarbons or vegetable or animal matter.

(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.

In the case of any existing lease of tide or submerged lands, the commission may, with the consent of the other party thereto, amend the same so as to contain or conform with subdivisions (a), (b), (c) and (d) hereof, or any of them, except that the provisions of said subdivision (d) when incorporated into such a lease by such an amendment shall refer to the rules and regulations in effect at the time such amendment is made rather than to those in effect at the time of invitation for bids in pursuance of which the lease is awarded and said subdivision (a) may not be incorporated into such a lease without also incorporating said subdivision (d) therein.

CHAPTER 105

An act to amend Section 30218 of the Streets and Highways Code, relating to bonds and funds of the California Toll Bridge Authority, declaring the urgency thereof, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 30218 of the Streets and Highways Code is amended to read:

Reserve funds

30218. The authority may provide in the proceedings authorizing the issuance of bonds for the setting up of one or more reserve funds out of the proceeds of the bonds or out of the tolls and other revenues not needed for the payment of interest on the bonds and the principal of the bonds as they currently mature, and for the preservation and continuance thereof in a manner to be provided therein, and may also re-

quire the immediate application of all surplus money in any such toll revenue fund to the retirement, by call or purchase, of the bonds prior to maturity in such manner and upon such terms and the payment of such premiums as the authority deems advisable.

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

Provisions for the establishment of adequate reserve funds from the proceeds of the sale of bonds in many instances are required to make such bonds salable, particularly with relation to construction projects. There are several projects now pending which may require the sale of bonds by the California Toll Bridge Authority in the near future, and it is therefore necessary that this act take immediate effect.

CHAPTER 106

An act to amend Section 130 of the Streets and Highways Code, relating to state highway work.

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.] In effect September 11, 1957

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

SECTION 1. Section 130 of the Streets and Highways Code is amended to read:

130. The department and any county, city, or joint highway district, or any of them, may enter into a contract in respect to the proportion of the expense of the acquisition, construction, improvement or maintenance of any state highway to be borne by the respective parties to such contract. Any such contract may provide for the advancement of funds, for the acquisition of rights of way and for the doing of the work, or any portion thereof, by any party to the contract, pursuant to the laws governing such party with reference to such type of acquisition or such character of work. Contracts proportioning highway expense; Cooperative agreements re highways

Any money appropriated for the acquisition of rights of way for the construction, improvement or maintenance of county highways, city streets, or joint highway district roads may be expended in such acquisition, construction, improvement or maintenance of any state highway located in whole or in part within the limits of such city, county, or joint highway district, pursuant to such contract, and shall be made available therefor by resolution of the governing body of the city, county, or joint highway district, as the case may be. Availability of money appropriated

SEC. 2. The amendment of this section made by the 1957 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law. Declaratory of existing law

CHAPTER 107

An act to amend Section 738 of the Welfare and Institutions Code, relating to transportation of wards of the juvenile court to other states.

In effect September 11, 1957

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 738 of the Welfare and Institutions Code is amended to read:

738. In a case where the residence of a ward of the juvenile court is out of the State and in another state, or in a case where the ward is a resident of this State but his parents, relatives, guardian or person charged with his custody is in another state, the court may order the ward sent to his parents, relatives, or guardian or to the person charged with his custody, and in such case may order transportation and accommodation furnished, with or without an attendant, as the court deems necessary. If the court deems an attendant necessary the court may order the probation officer or other suitable person to serve as such attendant and may order the necessary expenses of the ward and of the attendant paid out of the appropriate funds of the county. In counties in which the probation officer is appointed by the board of supervisors, such expenses shall be authorized by the probation officer and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

CHAPTER 108

An act to amend Section 30.6 of the Agricultural Code, relating to investigation of artificial insemination.

In effect September 11, 1957

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 30.6 of the Agricultural Code is amended to read:

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

insemination upon other animals and report his findings and recommendations to the Governor and to the Legislature.

CHAPTER 109

An act to amend Sections 681 and 685 of the Agricultural Code, relating to testing and weighing of milk, cream or fluid derivatives thereof.

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.] In effect September 11, 1957

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

SECTION 1. Section 681 of the Agricultural Code is amended to read:

681. (a) Persons who test milk or cream or fluid derivatives thereof, purchased, received or sold on the basis of milk fat contained therein must hold a tester's license. Methods or processes of testing must be approved by the director. A separate license is required for each of the methods or processes of testing. Licenses Tester's

(b) Persons, other than licensed testers, who take samples of milk or cream or fluid derivatives thereof purchased, received or sold on the basis of milk fat contained therein, on which sample tests are to be made as a basis of payment, and all persons who weigh or measure milk or cream or fluid derivatives thereof, the weight or measure to be used as a basis of payment, must hold a sampler's and weigher's license. When one person does both sampling and weighing or measuring, only one license is required. In cases of emergency a person may weigh, measure or sample, for a period not exceeding one week, without a license. Any person who takes samples of milk or cream or fluid derivatives thereof for testing shall hold the same in an unchanged condition until delivered to a licensed tester. Sampler's and weigher's

(c) Persons who make bacteriological determinations of milk or cream to be used as a basis of payment or determining value must hold a technician's license. Technician's

(d) Persons operating equipment wherein milk or products thereof are pasteurized must hold a pasteurizer's license to be known as general and limited licenses. The general license shall apply to pasteurization by all of the approved methods or processes of pasteurization, and the limited license shall apply only to the pasteurization by the process or method known as the holding or vat method. Pasteurizer's

SEC. 2. Section 685 of said code is amended to read:

685. No person shall fraudulently manipulate the measure, weight or test used for determining the grade or quality of milk, cream or fluid derivatives thereof, nor the test used for determining the percentage of milk fat in milk, cream or fluid derivatives thereof, nor overread or underread any such test, nor take an unfair sample of milk, cream or any fluid derivatives thereof on which the grade, quality or amount of milk False test, etc

fat therein is to be determined, nor fraudulently manipulate any such sample, or the records of any measurement, weight, test, or combination thereof. A permanent record in duplicate of all tests of milk or cream or fluid derivatives thereof purchased, received, or sold on the basis of the amount of milk fat contained therein, must be made by a licensed tester on standard forms supplied by, or in accordance with the specifications for such records adopted by, the department. Each test shall be legibly recorded with indelible pencil or ink in such a manner as to correctly identify the test obtained upon the milk or cream or fluid derivatives thereof. Each sheet or page shall be authenticated by the signature of the licensed tester, and a duplicate record shall be deposited by the licensed tester immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver or seller of milk or cream or fluid derivatives thereof, as the case may be, said box to be constructed, sealed and maintained in accordance with the rules and regulations of the director. The original record shall be immediately delivered to the purchaser or receiver or seller of said milk or cream or fluid derivatives thereof, to be retained by him for at least three months. The licensed tester shall retain an unmodified sample of all milk or cream or fluid derivatives thereof tested by him for not less than 48 hours after tests of said milk or cream have been made and said purchaser or receiver or seller of milk or cream or fluid derivatives thereof shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the department. Payment for milk or cream or fluid derivatives thereof shall be made on the basis of weight or measure and the percentage of the milk fat contained therein, as determined by samples taken from each lot of said milk or cream or fluid derivatives thereof upon delivery. Should the director find, after investigation by him, that facilities are not available for weighing and testing, upon request of the parties he may issue a written permit authorizing the purchase and sale of milk or cream or fluid derivatives thereof upon a gallonage basis. Nothing in this section prohibits weighing and sampling on a route, or the use of composite samples of milk, or the purchase and sale of market milk obtained from goats on a gallonage basis without the permit provided for in this section.

Records

Authentication

Basis of payment

CHAPTER 110

An act to amend Section 795.8 of, and to add Section 795.9 to, the Agricultural Code, relating to citrus field picking boxes.

In effect September 11, 1957

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957.]

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

SECTION 1. Section 795.8 of the Agricultural Code is amended to read:

795.8. Except as otherwise permitted by the tolerance provided in this section, the standard citrus field picking box shall have a cubic content of 3,115 cubic inches and shall not have cleats over one inch high. The volume added to such box by the cleats shall not be considered in computing the cubic content. Citrus field packing boxes

It is unlawful to load, ship, transport or deliver citrus fruits from the orchard where they were produced or elsewhere within the State in any citrus field picking box that is not standard unless such box is conspicuously marked on an outside end with the word "irregular" and with the cubic content in cubic inches, in letters and figures not less than one inch in height. When marking required

In order to provide for reasonable variation in the cubic content of standard citrus field picking boxes because of atmospheric changes, normal use and normal manufacturing variations, a tolerance of 4 percent either above or below said standard cubic content shall be permissible. An equal tolerance shall be permissible in the case of irregular citrus field picking boxes above or below the cubic content as marked thereon. Tolerances

SEC. 2. Section 795.9 is added to said code, to read:

795.9. All contracts entered into, and all settlements made with growers on the basis of citrus field picking boxes shall be on the basis of the standard box unless such contract or settlement be in writing and expressly provide in type as conspicuous as the balance thereof that the box involved is irregular and state its actual cubic content. Notice when nonstandard box; Irregular boxes

---

CHAPTER 111

An act to amend Section 829.8 of the Agricultural Code, relating to containers of imported fruits, nuts and vegetables.

[Approved by Governor April 16, 1957. Filed with Secretary of State April 16, 1957] In effect September 11, 1957

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

SECTION 1. Section 829.8 of the Agricultural Code is amended to read:

829.8. In addition to other exceptions pertaining to the use of standard containers, nothing in this chapter prohibits the shipment, transportation, delivery for sale or sale of any fruits, nuts or vegetables, imported into this State in containers not conforming to the container requirements prescribed in this chapter if such containers are lawful for use in the state of origin and in interstate commerce, and plainly marked with the name of the state of origin, and if the shape and design of such containers are not such as to misrepresent their capacity and that the dimensions are not so similar to those of any container standard in California for the commodity as to be deceptive.

CHAPTER 112

An act to amend Sections 1690 and 1700 and to repeal Section 1692 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 11, 1957

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

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

SECTION 1. Section 1690 of the Harbors and Navigation Code is amended to read:

San Francisco Port Authority

1690. Whenever the term "Board of State Harbor Commissioners," "Board of State Harbor Commissioners for San Francisco Harbor," "board," "commissioners" or "authority" is used in this part, it means the San Francisco Port Authority.

Whenever the term "Board of State Harbor Commissioners for San Francisco Harbor" is used in any law, it means the San Francisco Port Authority.

Repeal

SEC. 2. Section 1692 of said code is repealed.

SEC. 3. Section 1700 of said code is amended to read:

Composition of San Francisco Port Authority

1700. There is in the State Government a San Francisco Port Authority, consisting of five commissioners. This authority is the successor to all previous boards of State Harbor Commissioners for San Francisco Harbor. All vacancies on the authority shall be filled by appointment by the Governor. When appointment of a successor to any commissioner is made by the Governor, it is valid, subject to the consent of the Senate at its next regular session. Until such session the person appointed has the same authority as if his appointment had been confirmed by the Senate

---

CHAPTER 113

An act to ratify and approve the Klamath River Basin Compact signed at Klamath Falls, Oregon, November 17, 1956, to make an appropriation of twelve thousand dollars ($12,000) to the Klamath River Compact Commission, and to abolish the California Klamath River Commission.

In effect September 11, 1957

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

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

Ratification of "Klamath River Basin Compact between the States of Oregon and California"

SECTION 1. The Legislature of the State of California hereby ratifies and approves that certain compact designated as the "Klamath River Basin Compact between the States of Oregon and California," as set forth in Section 2 of this act, which was approved at Klamath Falls, Oregon, on the seventeenth day of November, 1956, by the California Klamath River Commission, under authority of and in conformity with

the provisions of Government Code Sections 8110-8119 (California Stats. 1953, Ch. 1473, p. 3085), and by a similar commission representing the State of Oregon under legislative authority of that state, and the provisions of said compact shall become the law of this State upon said compact becoming effective as provided in Article XIII of said compact.

SEC. 2. The provisions of said Klamath River Basin Compact are as follows:

ARTICLE I. PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: the use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

ARTICLE II. DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States, which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in Section 36, Township 39 South, Range 7 East, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

ARTICLE III. DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

(a) Domestic use,

(b) Irrigation use,

(c) Recreational use, including use for fish and wildlife,

(d) Industrial use,

(e) Generation of hydroelectric power,

(f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno, Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appear-

ing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000 acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin.

ARTICLE IV. HYDROELECTRIC POWER

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the waters of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainage pumping, including pumping from wells.

ARTICLE V. INTERSTATE DIVERSION AND STORAGE RIGHTS; MEASURING DEVICES

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of

this article, shall make provision for the establishment, operation and maintenance of permanent gaging stations at such points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

ARTICLE VI. ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall permit the storage, release and conveyance of any water to which the other state is entitled under this compact.

C. Either state having property rights other than water rights in the other state acquired as provided in this article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

ARTICLE VII. POLLUTION CONTROL

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires cooperative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To cooperate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

C. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate pollution, which is defined as the deterioration of the quality of the waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of administrative actions.

D. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

ARTICLE VIII. MISCELLANEOUS

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric power plant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

ARTICLE IX. ADMINISTRATION

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members. The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the State Engineer of Oregon who shall serve as ex officio representative of the State Water Resources Board of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents.

Any action by the commission shall be effective only if it be agreed to by both voting members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employes to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employe of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employe in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omission of any other person, employed by the commission and serving under such officer, member or employe, unless such member, officer or employe either failed to exercise due care in the selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employe of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employe or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employe and with the commission. In the event of a suit for damages against any member, officer or employe

of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employe. The commission may at its expense insure its members, officers and employes against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member, officer or employe of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency, or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the performance of its functions

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive sessions under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized representatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than $12,000 will be appropriated by it to be paid over to the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

ARTICLE X. STATUS OF INDIAN RIGHTS

A. Nothing is this compact shall be deemed:

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights, privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after Section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200,000-acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

ARTICLE XI. FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by act of Congress.

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof.

E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath

River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

Article XII. General Provisions

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes any general principle or precedent with respect to any other interstate stream.

Article XIII. Ratification

A. This compact shall become effective when ratified by the Legislature of each signatory state, and when consented to by an act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this article.

B. The act of Congress referred to in subdivision A of this article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the act of Congress referred to in subdivision A of this article and so long as such act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

ARTICLE XIV. TERMINATION

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

SEC. 3. The sum of twelve thousand dollars ($12,000) is hereby appropriated from the General Fund in the State Treasury to be paid over to the Klamath River Compact

Commission, as created by Article IX of said compact, at its first meeting for use in financing said commission's functions until it can prepare its first budget and receive its first appropriation thereunder, as provided in paragraph 1 of subdivision B of Article IX of said compact.

SEC. 4. Said compact shall not be binding or obligatory upon the State of California, and said appropriation shall not become effective, unless and until said compact shall have been approved by the Legislatures of the States of California and Oregon and shall have been consented to by the Congress of the United States, as provided by Article XIII of said compact.

SEC. 5. Upon said compact becoming effective as provided in Article XIII of said compact, the California Klamath River Commission shall be abolished.

CHAPTER 114

An act to amend Section 8145 of the Streets and Highways Code, relating to separation of grade districts.

In effect September 11, 1957

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

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

SECTION 1. Section 8145 of the Streets and Highways Code is amended to read:

Powers and duties

8145. The commission shall have power:

(a) To sue and be sued in its own name.

(b) To adopt a seal.

(c) To lay out, establish, construct and maintain projects for separation of grade by underpass, overpass, or tunnel, or any combination thereof, over or under one or more city streets, county roads or highways, state highways, railroads, street railroads, or other intersecting means of transportation, or combination thereof within the district, and for this purpose to acquire by purchase, gift, devise, condemnation or otherwise, and pay for and hold real and personal property and rights of way within the district. As to any project which would involve a state highway, the commission shall obtain the approval of the State Department of Public Works, Division of Highways, as to the plans and such project shall be constructed pursuant to an agreement between the commission and the said department, as may be provided in said agreement. As to any project which would involve a railroad, or street railroad, the district shall be governed by Chapter 6 (commencing at Section 1201) Part 1, Division 1 of the Public Utilities Code and by any other applicable provisions of law; and for the purposes and within the meaning of Chapter 6 (commencing at Section 1201) Part 1, Division 1 of the Public Utilities Code and for such purposes and meaning only, a "separation of grade district" is hereby declared to be a

"political subdivision" and the "commission" of a separation of grade district is hereby declared to be the "legislative body" of a political subdivision.

(d) To enter into an agreement with any city or county to provide for the relocation, redesign, or improvement of any street in the city or county directly affected by or which is an integral part of, a separation of grade project. The district may expend funds pursuant to such an agreement.

(e) To remove an obstacle to traffic flow which otherwise would require constructing a separation of grade.

(f) To exercise the power of eminent domain to the full extent necessary to carry out the provisions of this part.

(g) To make and accept all contracts, deeds, releases, and documents of any kind which shall be necessary or proper to the exercise of any of the powers of the district.

(h) To direct the payment of all lawful claims and demands against the district.

(i) To levy and collect taxes as hereinafter provided.

(j) To borrow for the purpose of defraying general administrative and preliminary engineering expenses of the district prior to the time the money to be raised by the first tax levy for the district will be available, and to evidence such borrowing by nonnegotiable notes bearing interest at a rate to be fixed by the commission. The notes shall be signed by the president and countersigned by the secretary of the commission. The notes shall be payable from the first tax levy made by the district, and that tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon.

(k) To issue bonds as hereinafter provided, and provide for their payment.

(*l*) To employ all necessary engineers, surveyors, agents and workmen to do the work on or in connection with the project or projects in the district.

(m) To do any and all things necessary or proper for the complete exercise of its powers and the accomplishment of the purpose for which it was formed.

CHAPTER 115

An act to amend Section 28141 of the Government Code, relating to compensation for public service in counties of the forty-first class.

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

In effect September 11, 1957

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 Compensation

(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 fifteen cents ($0 15) for each mile actually traveled each way 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 fifteen cents ($0.15) for each mile actually traveled each way. 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 each day, in going only.

(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 each day, in going only.

CHAPTER 116

An act to amend Section 160.2 of the Agricultural Code, relating to pest control.

In effect September 11, 1957

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

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

SECTION 1. Section 160.2 of the Agricultural Code is amended to read:

License

160.2. It is unlawful for any person to engage for hire in the business of pest control without first procuring from the director a license for each calendar year or portion thereof. Applications for such license shall be in the form prescribed by the director, and shall state the name and address of the applicant and the type of pest control in which he intends to engage. The application, except as hereinafter provided, shall

be accompanied by a fee of twenty dollars ($20). Each applicant shall further satisfy the director of his character, qualifications, responsibility, and good faith in seeking to carry on the business of pest control.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended. Such license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the last day of January of the calendar year for which the license is issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars ($5).

Permit

A person not regularly engaged in the business of pest control and operating only in the vicinity of his own property and for the accommodation of his neighbors shall not be required to procure a license, but shall obtain a permit from the director, register with the commissioner as provided in Section 160.3, and be subject to all other provisions of the chapter. The determination of the director that a person is engaged in the business of pest control beyond the vicinity of his own property or for the accommodation of others than his neighbors shall be final.

Grounds for refusal or revocation of license

The director may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, when, after a hearing as herein provided, he is satisfied that the applicant or licensee is not qualified to perform the type of pest control under the conditions and in the locality in which he intends to operate, or, that he has committed any of the following acts, each of which is declared to be a violation of this chapter:

(a) Making false or fraudulent claims, or misrepresenting the effects of materials or methods to be applied, or applying worthless or improper materials, or otherwise engaging in unfair practices;

(b) Operating in a faulty, careless or negligent manner;

(c) Refusing or neglecting to comply with the provisions of this chapter, or of rules and regulations issued hereunder, or of any lawful order of the commissioner;

(d) Refusing or neglecting to keep and maintain the records required by this chapter, or to make reports when and as required;

(e) Making false or fraudulent records or reports;

(f) Operating in any county without first having registered with the commissioner, as hereinafter provided;

(g) Operating equipment with incompetent or unqualified persons in charge thereof;

(h) Fraud or misrepresentation in making application for a license or for renewal of a license;

(i) Failure to comply with the provisions of Article 4 (commencing at Section 1080) of Chapter 7 of Division 5 of this code.

CHAPTER 117

An act to amend Section 1 of, and to add Section 2 to, Chapter 483 of the Statutes of 1947, relating to tidelands and submerged lands in the County of Solano.

In effect September 11, 1957

[Approved by Governor April 17, 1957. Filed with Secretary of State April 17, 1957.]

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

SECTION 1. Section 1 of Chapter 483 of the Statutes of 1947 is amended to read:

Section 1. There is hereby granted and conveyed to the City of Vallejo, in the County of Solano, State of California, all of the tide and submerged lands situate on the northeasterly shore of San Pablo Bay, immediately north of Mare Island Naval Yard, more particularly bounded and described as follows:

Commencing at the intersection of the ordinary high-water mark along the northeastern shore of San Pablo Bay and the west line of Sec. 6, T. 3 N., R. 4 W., M. D. B. & M.; running thence southeasterly along said ordinary high-water mark of San Pablo Bay to the intersection thereof with a line common to the SE. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of said Sec. 6, said intersection being the true point of beginning of the parcel of tide and submerged lands herein described; continuing thence along the ordinary high-water mark of San Pablo Bay southeasterly to the point of intersection thereof with the northwestern boundary line of the lands owned by the United States Government and commonly known as Mare Island Naval Shipyard; thence south 71 degrees west, to the western boundary line of Solano County; thence along said county boundary line approximately north $26\frac{1}{2}$ degrees west 14,000 feet; thence leaving said county boundary line and running northeasterly in a straight line 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:

(a) That said lands shall be used by said city, and its successors, only 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 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 whatever; 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

(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 and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the 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.

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

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 Solano County, the area of state lands described in this act.

CHAPTER 118

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 April 17, 1957. Filed with Secretary of State April 17, 1957.]

In effect September 11, 1957

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 Compensation

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, twelve thousand five hundred dollars ($12,500) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, 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, twelve thousand dollars ($12,000) 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 119

An act to amend Section 72602 of the Government Code, relating to municipal courts.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 18, 1957.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges

set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	2
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	42
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	2
Pomona Municipal Court District	1
South Gate Municipal Court District	1
Citrus Judicial District	2
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 120

An act to amend Section 50.1 of the Fish and Game Code. and Section 3276 of the Fish and Game Code, as proposed by Assembly Bill No. 616, relating to licensed game bird clubs.

[Approved by Governor April 17, 1957. Filed with Secretary of State April 18, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 50.1 of the Fish and Game Code is amended to read:

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 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

Zones

Zone A

south and southeasterly along said contour to the California-Mexican border; thence easterly along said border to the point of beginning, excepting therefrom those portions of Townships 9 E.-9 S.; 10 E.-9 S.; 9 E.-10 S.; 10 E.-10 S.; 11 E.-10 S.; 9 E.-11 S.; 10 E.-11 S.; 11 E.-11 S.; 9 E.-12 S.; 10 E -12 S.; 11 E.-12 S.; 9 E.-13 S.; 10 E.-13 S.; and 11 E.-13 S., S. B. B. & M. lying within the above boundary.

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. ½ of T. 5 S., R. 23 E.; SE. ½ 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 Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the Town of Capay; thence north-

westerly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the Town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through 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 beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); All of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); Commencing at the point where the Southern Pacific Railroad intersects the California-Nevada State Line in T. 27 N., R. 17 E.; thence 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 though 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

NOTE The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 50.1 of the Fish and Game Code adopted in 1933, is repealed. Effect Stats 1957 Ch 456

CHAPTER 121

An act to amend Section 641 of the Agricultural Code, relating to imitation cheese.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 641 of the Agricultural Code is amended to read:

641. Every article, substance or compound, other than that produced from cream, milk or skim milk, evaporated or condensed skim milk or nonfat dry milk solids, made in the semblance of cheese, and designed to be used as a substitute for cheese, is imitation cheese. The use of salt, rennet or harmless coloring matter for coloring the cheese made from cream, milk or skim milk, evaporated or condensed skim milk or nonfat dry milk solids, does not render such product an imitation.

CHAPTER 122

An act to amend Section 628 of the Agricultural Code, relating to milk products.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 628 of the Agricultural Code is amended to read:

628. Sterilized milk and sterilized cream is milk or cream which has been subjected to a temperature high enough to sterilize the product and to which an edible stabilizer not to exceed five-tenths of 1 percent may be added.

It shall be made from milk or cream which meets all the requirements of this division for the respective class or grade of milk and cream used; except that such milk or cream need not be cooled when it has been demonstrated to the satisfaction of the director that such cooling is not required for the proper processing of the product.

Such sterilized milk or sterilized cream shall be packed in sterile containers and hermetically sealed.

In an area in which a price stabilization and marketing plan is in effect such sterilized milk or sterilized cream shall be sold at not less than the minimum wholesale or minimum retail prices established for fluid milk or fluid cream in that area.

Sterilized milk or sterilized cream which has been altered in composition to conform to special nutritional requirements or special dietary purposes, shall be labeled "modified sterilized milk" or "modified sterilized cream" as the case may be. When

such alteration is due to the use of additives, then such additives shall be approved by the director, and must be declared on the label.

CHAPTER 123

An act to amend Section 627.5 of the Agricultural Code, relating to milk products.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 627.5 of the Agricultural Code is amended to read:

627.5. (a) Sterilized flavored drink is milk or skim milk, evaporated or condensed or dried milk or nonfat milk solids or any combination thereof which contains harmless sweetening, chocolate, chocolate syrup, or other harmless syrups or flavorings or combinations thereof, harmless edible stabilizer not to exceed five-tenths of 1 percent or seasoning, and which may be homogenized, packed in hermetically sealed containers and so processed by heat as to prevent spoilage.

(b) Sterilized flavored milk is milk, evaporated or condensed milk or dried milk or any combination thereof which contains harmless sweetening, chocolate, chocolate syrup, or other harmless syrups or flavorings or combinations thereof, harmless edible stabilizer not to exceed five-tenths of 1 percent or seasoning, and which is homogenized, packed in hermetically sealed containers and so processed by heat as to prevent spoilage. Sterilized flavored milk shall contain not less than 3 percent milk fat and not less than 16½ percent total solids.

CHAPTER 124

An act to amend Section 108 of the Civil Code, relating to the appointment of a guardian ad litem for a person sued for divorce on the ground of incurable insanity.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 108 of the Civil Code is amended to read:

108. A divorce may be granted on the grounds of incurable insanity only upon proof that the insane spouse has been incurably insane for a continuous period of three years immediately preceding the filing of the action and has been confined to an institution, or under the jurisdiction of the institution, under the provisions of Chapter 1, Part 1, Division 6 of the Welfare and Institutions Code or under the provisions of

Section 1026 of the Penal Code or Chapter 6, Title 10, Part 2 of the Penal Code, for a period of at least three continuous years immediately preceding the filing of the action and upon the testimony of a member of the medical staff of said institution that such spouse is incurably insane.

No decree granted on this ground shall relieve the spouse granted the divorce of any obligation imposed by law as a result of the marriage for the support of the spouse against whom the divorce is granted, and the court may make such order for support, or require a bond therefor, as the circumstances require.

If the insane spouse has a general guardian or guardian of his person, other than the spouse bringing the action, the complaint and summons shall be served upon the insane spouse and such guardian and he shall defend and protect the interests of the insane spouse. If the insane spouse has no general guardian or no guardian of his person, or if the spouse bringing the action is the general guardian or guardian of his person, the court shall appoint a guardian ad litem, who may be the district attorney or the county counsel, if any, to defend and protect the interests of the insane spouse. If a district attorney or county counsel is appointed guardian ad litem pursuant to this paragraph, his successor in the office of district attorney or county counsel, as the case may be, succeeds him as guardian ad litem, without further action by the court or parties.

CHAPTER 125

An act to amend Section 4760 of the Health and Safety Code, relating to the purchase of sewerage or refuse disposal facilities for cash, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 4760 of the Health and Safety Code is amended to read:

Acquisition of sewerage system, etc

4760. The district board may, by agreement with any city or other public agency, take possession of, or acquire by condemnation or in any other manner any sewerage system, or any sewage or refuse disposal or treatment plant, or any combination of the foregoing necessary or convenient to carry out any of the objects of the district, or may acquire by agreement or in any manner the right to use them, and any city or other public agency may enter into such an agreement with a county sanitation 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 county sanitation district.

Whenever any sewerage or refuse disposal system, or sewage or refuse disposal or treatment plant so taken possession of or otherwise acquired was built from the proceeds of a bond issue, the district may assume and pay out of its funds the outstanding bonds of the city or public agency according to their terms, and in that case the principal sum remaining unpaid shall be credited to it and deducted from any sum to be paid by it to the city or public agency. Payment of bonds

Funds may be obtained by the county sanitation districts to pay the principal and interest on the assumed bonds in the manner as is provided for paying the principal and interest on its own bonds.

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

Certain county sanitation districts have a critical need for additional sewerage facilities for areas within their boundaries in which the population is rapidly expanding. This act provides a means of acquiring existing facilities of cities or other public agencies by the payment of cash therefor. In order that bonds may be authorized and issued by county sanitation districts which need such facilities at the earliest possible time in order to raise the funds necessary to make such cash payments, it is essential that this act go into immediate effect.

CHAPTER 126

An act to amend Section 6489 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6489 of the Health and Safety Code is amended to read:

6489. Each of the members of the board shall receive a sum not to exceed twenty-five dollars ($25) for each day of his actual attendance of the meetings of the board. Such compensation shall be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive more than one hundred dollars ($100) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, not to exceed one hundred dollars ($100) a month, which compensation shall be in addition to any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

Each member of the sanitary board shall be allowed ten cents ($0.10) per mile, without any constructive mileage, for

his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail. The secretary of the board shall also receive such mileage, but if he is also a member of the board, he shall be allowed such expenses only in his capacity as secretary.

CHAPTER 127

An act to amend Section 1700.5 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 1700.5 of the Harbors and Navigation Code is amended to read:

1700.5. One member of the San Francisco Port Authority in office on the effective date of this section shall serve as designated by the Governor until May 1, 1948, one shall serve until May 1, 1949, and one until May 1. 1950. Of the two members added in 1955, one, as designated by the Governor, shall serve until May 1, 1958, and the other until May 1, 1959. Each member thereafter appointed shall serve for a term of four years and until his successor is appointed and qualifies.

CHAPTER 128

An act to repeal Section 1705.5 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 11, 1957

[Approved by Governor April 18, 1957 Filed with Secretary of State April 19, 1957]

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

SECTION 1. Section 1705.5 of the Harbors and Navigation Code is repealed.

CHAPTER 129

An act to amend Section 1990 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 11, 1957

[Approved by Governor April 18, 1957 Filed with Secretary of State April 19, 1957]

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

SECTION 1. Section 1990 of the Harbors and Navigation Code is amended to read:

1990. The authority cannot enter into a valid contract or obligation with a person other than another state agency,

which creates a liability or authorizes the payment of money in excess of one thousand dollars ($1,000), unless it is signed by three of the commissioners, and countersigned by the secretary or assistant secretary of the authority. The authority may enter into a valid contract or obligation which creates a liability or authorizes the payment of money of one thousand dollars ($1,000) or less or authorizes payment to another state agency by having such contract or obligation signed by the secretary or assistant secretary. The authority shall not make any contract, involving the payment of money, unless the amount then to the credit of the Harbor Improvement Fund, plus any sums which may be derived from the sale of bonds, together with the revenue estimated to accrue up to the time of the maturity of the contract, over and above the current expenses of the authority, is sufficient to meet the payments to become due thereon. The estimate of revenue shall be limited, as to time, to 15 years.

CHAPTER 130

An act to amend Section 815 of the Agricultural Code, relating to fruits and vegetables, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] In effect immediately

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

SECTION 1. Section 815 of the Agricultural Code is amended to read:

815. Persian melons, casabas, honeydew and honeyball melons and watermelons shall be mature but not overripe, shall be free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon; and free from serious damage, due to growth cracks, cuts, bruises, sunburn, softness, or other causes. Damage to any one of the melons mentioned herein is not serious unless it affects the edible portion of the melon. Melons

Not more than 10 percent, by count, of the melons in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, shall be allowed for any one cause. Tolerance

"Mature" in the case of casabas, honeydew and honeyball melons, and watermelons means that the appearance from the outside indicates maturity and that the arils which surround the seeds have been absorbed and also, in the case of watermelons, that the flesh of the watermelons has not less than 75 percent red color; in the case of honeyball and honeydew melons that the juice of the edible portion shall contain not less than 10 percent soluble solids as determined by the standard hand refractometer or that the fruit has been separated from the vine by a "full slip," which indicates actual maturity. A "full slip" means that the fruit has separated from the stem leaving a clean, natural scar, with no portion Definitions

of the stem remaining attached, and no torn or broken skin on the fruit.

Determination of soluble solid content

The soluble solids content of the edible portion of honeyball and honeydew melons shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one-half the distance between the stem and blossom ends. The plugs shall be approximately one-half inch in diameter; and that portion of the plug three-eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

Marking

All closed containers of packed melons shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the melons, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

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:

In order to have the beneficial standards established by this act apply to the 1957 melon crop, a large portion of which will mature before this act would become effective in the regular course of events, this act must take immediate effect.

CHAPTER 131

An act to amend Section 1159 of the Harbors and Navigation Code, relating to the Pilot Commissioners' Special Fund, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 1159 of the Harbors and Navigation Code is amended to read:

Pilot Commissioner's Special Fund

1159. All moneys received by the board pursuant to the provisions of any law, shall be accounted for at the close of each month to the State Controller in such form as the Controller may prescribe and, at the same time on the order of the Controller, all these moneys shall be paid into the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund, which fund is continued in existence.

Appropriation

The moneys deposited in the State Treasury to the credit of the Pilot Commissioners' Special Fund are appropriated without regard to fiscal years for the payment of the compensation and expenses of the board and its officers and employees.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the existing law all unencumbered balances in excess of a certain amount in the Pilot Commissioners' Special Fund will revert to the General Fund at the end of the current fiscal year. The fund is for the support of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun in its licensing and regulation of pilots for those bays. The balances in such fund will be needed to finance the operation of the board for the next fiscal year. Since a substantial portion of the maritime commerce of this State flows in and out of these bays, it is of vital importance that such commerce not be impaired by any disruption in the operations of the Board of Pilot Commissioners for these bays. Therefore, it is necessary that this act take effect immediately in order to prevent the transfer of unencumbered money in the Pilot Commissioners' Special Fund to the General Fund at the end of the current fiscal year.

CHAPTER 132

An act to amend Section 275 5 of the Agricultural Code, relating to sale or shipment of bees.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] In effect September 11, 1957

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

SECTION 1. Section 275 5 of the Agricultural Code is amended to read:

275.5. It is unlawful to place in any combless package of bees or queens, offered for sale or shipment, any food containing honey.

It is unlawful to ship any package bees, except queens, within the State unless the shipment is accompanied by a certificate of inspection showing that the bees from which such package bees have been taken were inspected within sixty (60) days prior to shipment and found free from disease.

CHAPTER 133

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

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] 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:

"Public body"

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code

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
Redevelopment agencies
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
Transit 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.

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

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

Annexation

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.

Bonds

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

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

Operative effect

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

Limitations

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

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or 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.

Action contesting validity

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

Filing of statement

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

Definitions

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

Short titles

SEC. 10. This act may be cited as the First Validating Act of 1957.

Urgency

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

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

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

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, water works, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and

facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

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

CHAPTER 134

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

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

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

"Public body"

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code

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
Redevelopment agencies
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
Transit 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.

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

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

Annexation 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.

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

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

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

Operative effect

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

Limitation

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

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

Action contesting validity

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

Filing of statement

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

Definitions

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any

time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short titles

SEC. 10. This act may be cited as the Second Validating Act of 1957.

CHAPTER 135

An act to amend Sections 5064, 5065, 6456, 6505, 6507, 7100, 8801, 9253, and 9309, and to repeal Section 5551, of the Financial Code, relating to savings and loan associations and the administration of the law with respect thereto.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 5064 of the Financial Code is amended to read:

"Member"

5064. "Member" includes every person holding a certificate of membership as a borrower and every shareholder.

SEC. 2. Section 5065 of said code is amended to read:

"Salesman"

5065. "Salesman" means any natural person, other than an officer, director, or employee of an association, who solicits or receives on behalf of an association, applications, subscriptions, or offers, for shares, stock, or investment certificates to be issued by such association, or who represents himself as being so authorized; provided, however, that no salesman shall advertise or otherwise represent that funds may be invested with such association at any office other than the principal office or branch of such association. No person shall be both an agent and a salesman.

SEC. 3. Section 6456 of said code is amended to read:

Guarantee stock

6456. Guarantee stock shall be of one class. Guarantee stock shall have a par value of not less than one dollar ($1) per share. The proceeds from the sale of the guarantee stock shall be set apart to the extent of the par value and, except as that stock is reduced as provided in this chapter, shall be maintained as a fixed and permanent capital of the association.

SEC. 4. Section 6505 of said code is amended to read:

Accumulative shareholder

6505. The holder or holders of accumulative shares are at all times the owners of the number of shares determined by dividing the value of such shares as defined in Chapter 1 of this part by the par value of the shares.

SEC. 5. Section 6507 of said code is amended to read:

Full paid shares

6507. Full paid shares are shares upon which a single payment of dues amounting to the par value of the shares is paid at the time of subscription and upon which the holder is entitled to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors determines.

SEC. 6. Section 7100 of said code is amended to read:

7100. The terms "real property," "improved real property," and "unimproved real property," as used in this chapter, include: Definitions

(a) A fee title to real property.

(b) A leasehold interest in real property under a lease which is renewable for a term expiring not less than 50 years from the date of the loan.

(c) A leasehold interest in real property under a lease having a period of not less than 50 years to run from the date of the loan.

SEC. 7. Section 8801 of said code is amended to read:

8801. During the annual examination the commissioner and his deputies or examiners shall have full access to all the books, records, securities, and papers of the association. The examiner shall first count the cash and check the bank balances of the association with the proper amount of funds as shown by the books to be on hand at the date and hour of such examination. The examiner shall then examine and verify the personal accounts of each officer and director of such association on its books. The examiner shall thereafter, so far as deemed necessary by the commissioner, examine and verify the books, accounts, and securities of such association, and the amount of its shares, stock, and investment certificates outstanding, and ascertain the value of all property and investments owned and of all property held as security for money loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency of such association. Procedure

SEC. 8. Section 9253 of said code is amended to read:

9253. Any executor, administrator, guardian or receiver, and any fiduciary or trustee of any kind or nature, and any public corporation, political subdivision, public instrumentality, charitable institution, educational and eleemosynary institution, bank, savings bank, trust company or financial institution, and any insurance company or cemetery association may, without the necessity of obtaining court approval: Rights of trustees, etc

(a) Vote in person or by proxy in favor of or against converting an association into a federal savings and loan association, or may approve or disapprove the determination to so convert.

(b) Exchange any shares, stock, investment certificates, or other rights or claims, for shares issued by such federal savings and loan association, and hold such shares as legal investments.

SEC. 9. Section 9309 of said code is amended to read:

9309. Every executor, administrator, trustee, guardian, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable institution, educational and Same

eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval may:

(a) Vote in person or by proxy in favor of or against converting a federal savings and loan association into a savings and loan association, or may approve or disapprove the determination to so convert.

(b) Exchange any shares, share accounts or other rights or claims, for securities issued by such savings and loan association, and hold such securities as legal investments.

Repeal

SEC. 10. Section 5551 of said code is repealed.

CHAPTER 136

An act to amend Section 6705.5 of the Financial Code, relating to savings and loan associations.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.]

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

SECTION 1. Section 6705.5 of the Financial Code is amended to read:

6705.5. Except with the consent of the commissioner, no association shall make investments in land under Section 6705 at any time when such investments (including cost of offsite improvements), together with its loans made to facilitate sale of land, with or without offsite improvements, which do not at the time of such investments comply with the requirements of this part for original loans, aggregate more than one-third the total amount of the investments permitted under Section 6705. "Offsite improvements," as used in this section, mean grading, installation of sewers, drains, gutters, curbs, sidewalks and public utilities, paving and other improvements to the land not including buildings, fences or landscaping. Except with the consent of the commissioner, no association shall make investments under Section 6705 at any time when such investments, together with its loans and contracts under Section 6701 to facilitate the sale of property acquired under Section 6705 (including loans and advances on contracts to finance subsequent improvements on such property) which do not at the time of such investments comply with the requirements of this part for original loans, aggregate more than whichever of the following is the lesser:

(a) Five percent of its total assets.

(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, and such other reserves as the commissioner may prescribe.

CHAPTER 137

An act to validate school district acts, proceedings, and bonds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] In effect immediately

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a school district 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 district, and all instruments payable from revenues or special funds of such school districts, and all instruments funding or refunding any thereof or any indebtedness. "Bonds"

SEC. 2. All acts and proceedings heretofore taken by or on behalf of any school district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such school district for any public purpose, or to increase the tax limit on the rate of taxation otherwise permitted by law in such school district, are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such school district 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 or increase in the tax limit on the rate of taxation Validation

All bonds of any school district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the school district. 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 school district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any school district 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 school district. Bonds

SEC. 3. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the authorization, issuance, sale or exchange of bonds or increase in the tax limit on the rate of taxation upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. Limitation on actions

This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

Operation

SEC. 4. (a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

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

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

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

(e) This act shall be effective only with respect to acts, proceedings and bonds authorized at any election held between December 1, 1956, and February 1, 1957.

Definitions

SEC. 5. 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. 6. This act may be cited as the Second School District Validating Act of 1957.

Urgency

SEC. 7. 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 citizens of the State require the orderly and unhampered functioning of school districts, and such functioning depends upon the validity of acts, proceedings, and bonds of school districts, 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 services and facilities provided by school districts;

(2) Public works and construction by school districts can be commenced and continued without delay or restriction to provide services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) School districts can issue and sell bonds heretofore authorized for the purpose of providing services 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 school districts or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 138

An act to add Section 6348.6 to the Business and Professions Code, relating to law libraries.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 19, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6348.6 is added to the Business and Professions Code, to read:

6348.6. In any county having a population of 400,000 but less than 700,000, a board of law library trustees may contract with the board of supervisors of the county upon such terms as may be mutually agreeable for the construction by the board of supervisors of a law library building or any part thereof or for quarters in a building to be erected by the board of supervisors. Such agreement may be made subject to such terms and conditions including approval of plans and specifications, regarding the furnishing and equipping of the building or quarters, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors. Such contract may provide that the board of law library trustees shall make payments to the board of supervisors out of future income in payment for constructing or furnishing or equipping such law library building or part thereof or such quarters in a building. Any contract heretofore executed by a board of law library trustees and a board of supervisors, which, if executed subsequent to the effective date of this section would be valid, is hereby ratified and validated.

CHAPTER 139

An act to amend Sections 4144, 10140 and 11020 of the Business and Professions Code, Sections 25306, 26104 and 27203 of the Corporations Code, Sections 11642, 11643, 11644, 11645, 11646, 11647, 11648, 11650, 11651, 11652, 11653 and 11654 of the Elections Code, Section 27443 of the Government Code, Sections 11715.7, 12107 and 12306 of the Health and Safety Code, Section 833 of the Insurance Code, Section 145 of the Military and Veterans Code, Sections 11, 19a, 33, 69, 142, 148, 149, 270, 270a, 337f, 347b, 405, 529, 587, and 607 of the Penal Code, and Section 12832 of the

Revenue and Taxation Code, relating to the maximum period of confinement in a county jail.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 11 of the Penal Code is amended to read:

Limitations

11. This code does not affect any power conferred by law upon any court-martial, or other military authority or officer, to impose or inflict punishment upon offenders; nor, except as provided in Section 19a of this code, any power conferred by law upon any public body, tribunal, or officer, to impose or inflict punishment for a contempt.

SEC. 2. Section 19a of the Penal Code is amended to read:

Confinement in county jail, etc

19a. In no case shall any person sentenced to confinement in a county or city jail, or in a county or joint county penal farm, road camp, work camp, or other county adult detention facility, or committed to the sheriff for placement in any such county adult detention facility, on conviction of a misdemeanor, or as a condition of probation upon conviction of either a felony or a misdemeanor, or upon commitment for civil contempt, or upon default in the payment of a fine upon conviction of either a felony or a misdemeanor, or for any reason except upon conviction of more than one offense when consecutive sentences have been imposed, be committed for a period in excess of one year; provided, however, that the time allowed on parole shall not be considered as a part of the period of confinement.

SEC. 3. Section 4144 of the Business and Professions Code is amended to read:

Penalty for misuse

4144. Any person who has obtained a hypodermic needle or hypodermic syringe from any person to whom a permit has been issued as provided in this article and uses, or permits or causes, directly or indirectly, such hypodermic needle or hypodermic syringe to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor and upon conviction thereof is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 4. Section 10140 of the Business and Professions Code is amended to read:

Penalty for false statement

10140. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land or subdivision thereof (as defined in Chapter 1 of Part 2 of this division), offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or

subdivision (as defined in Chapter 1 of Part 2 of this division) contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes the same to be issued, circulated, published or distributed, or who, in any other respect, wilfully violates or fails to comply with any of the provisions of this section, or who in any other respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner under this section, is guilty of a public offense, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a real estate licensee, he shall be held to trial by the commissioner for a suspension or revocation of his license, as provided in the provisions of this part relating to hearings. The district attorney of each county in this State shall prosecute all violations of the provisions of this section in respective counties in which the violations occur.

SEC. 5. Section 11020 of the Business and Professions Code is amended to read:

Same

11020. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land, or subdivision thereof offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or shall cause the same to be issued, circulated, published or distributed, or who, in any other respect, wilfully violates or fails to comply with any of the provisions of this chapter, or who in any other respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner under this chapter, is guilty of a public offense, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a real estate licensee, he shall be held to trial by the commissioner for a suspension or revocation of his license, as provided in Article 3 of Chapter 2 of Part 1 of Division 4 of this code. The district attorney of each county in this State shall prosecute all violations of the provisions of this chapter in respective counties in which the violations occur.

SEC. 6. Section 25306 of the Corporations Code is amended to read:

Prohibition

25306. No commissioner and no person who acts as a deputy commissioner in supervising the organization, reorganization, merger, or rehabilitation of any corporation under any law of this State shall, for a period of two years from and after the effective date of such organization, reorganization, merger,

or rehabilitation, become an officer or director of, or serve as an officer or director of, or serve in any position of gain or profit in, any corporation formed in whole or in part of the assets or funds, or any part of the assets or funds, of such corporation.

Penalty

Every person violating this section is guilty of a public offense punishable by a fine not exceeding five thousand dollars, or by imprisonment in a state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 7. Section 26104 of the Corporations Code is amended to read:

Acts constituting public offense

26104. Every officer, agent, or employee of any company and every other person, who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment:

(a) Knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this division, or of the Constitution of this State.

(b) In any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning the company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security.

(c) Directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of the security, or to any purpose specified in the permit in excess of any amount limited in the permit to be used for that purpose.

(d) With knowledge that any security has been issued or executed in violation of any provision of this division, sells, or offers the security for sale.

(e) Issues, circulates, or publishes, or causes to be issued, circulated, or published, any advertisement, pamphlet, prospectus, or circular concerning any security containing any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading, or deceptive statement.

(f) In any respect wilfully violates or fails to comply with any provision of this division, or wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under this division.

(g) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this division.

SEC. 8. Section 27203 of the Corporations Code is amended to read:

27203. Every individual who knowingly violates any provision of this division, or any condition of any certificate issued under this division, is guilty of a public offense punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment. Public offense

SEC. 9. Section 11642 of the Elections Code is amended to read:

11642. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who, circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any initiative, referendum or recall petition, misrepresents or makes any false statement concerning the contents, purport or effect of the petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to it, or to whom it is presented for his signature. Misrepresentation in circulation of petition

SEC. 10. Section 11643 of the Elections Code is amended to read:

11643. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who wilfully or knowingly circulates, publishes or exhibits any false statement or misrepresentation concerning the contents, purport or effect of any initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading any person to sign, that petition. Same: Publication, etc

SEC. 11. Section 11644 of the Elections Code is amended to read:

11644. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who files in the office of the clerk or other officer provided by law to receive such filing, any initiative, referendum, or recall petition to which is attached, appended or subscribed any signature which the person filing the petition knows to be false Filing with false signature

or fraudulent or not the genuine signature of the person whose name it purports to be.

SEC. 12. Section 11645 of the Elections Code is amended to read:

Circulation with false names

11645. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who circulates, or causes to be circulated, any initiative, referendum, or recall petition, knowing it to contain false, forged, or fictitious names.

SEC. 13. Section 11646 of the Elections Code is amended to read:

False affidavit

11646. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who makes any false affidavit concerning any initiative, referendum, or recall petition or the signatures appended thereto.

SEC. 14. Section 11647 of the Elections Code is amended to read:

False return, etc

11647. Every public official or employee is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who knowingly makes any false return, certification or affidavit, concerning any initiative, referendum, or recall petition or the signatures appended thereto.

SEC. 15. Section 11648 of the Elections Code is amended to read.

False signing

11648. Every person is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, who knowingly signs his own name more than once to any initiative, referendum, or recall petition, or signs his name to any such petition knowing himself at the time of signing not to be qualified to sign it.

SEC. 16. Section 11650 of the Elections Code is amended to read:

Fraudulent inducement to abandon petition, etc

11650. Every person who seeks, solicits, bargains for, or obtains any money, thing of value, or advantage of, or from any person, firm, or corporation for the purpose or represented purpose of fraudulently inducing, persuading, or seeking the proponent or proponents of any initiative or referendum measure or recall petition to (a) abandon such measure or petition; (b) fail, neglect, or refuse to file in the office of the clerk or other officer provided by law within the time required by law such initiative or referendum measure or recall petition after securing the number of signatures required to qualify such measure or petition; (c) stop the circulation of such

initiative or referendum measure or recall petition; (d) perform any act that will prevent or aid in preventing the initiative or referendum measure or recall petition from qualifying as an initiative or referendum measure, or the recall petition from resulting in a recall election, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment

SEC. 17. Section 11651 of the Elections Code is amended to read:

Offenses by proponents

11651. Any proponent of an initiative or referendum measure or recall petition who seeks, solicits, bargains for, or obtains any money or thing of value, of or from any person, firm, or corporation for the purpose of abandoning the same or stopping the circulation of petitions concerning the same, or failing or neglecting or refusing to file such measure or petition in the office of the clerk or other officer provided by law within the time required by law after obtaining the number of signatures required under the law to qualify such measure or petition, or performing any act that will prevent or aid in preventing the initiative, referendum or recall proposed from qualifying as an initiative or referendum measure, or resulting in a recall election, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 18. Section 11652 of the Elections Code is amended to read:

Threatening circulation of petitions, etc

11652. Any person who seeks, solicits, bargains for, or obtains any money, thing of value or advantage of or from any person, firm, or corporation on the threat or representation or claim or demand that unless such money, thing of value, or advantage is obtained, that an initiative or referendum measure will be proposed and circulated or proposed or circulated affecting either directly or indirectly, the business, property or interests of such person, firm, or corporation is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 19. Section 11653 of the Elections Code is amended to read:

Filing referendum petitions

11653. Any proponent of a referendum measure shall within the time required by law for the filing of such measure file in the office of the clerk or other officer provided by law all petitions and signatures obtained in connection with such measure accompanied by an affidavit that the signatures so filed constitute and are all of the signatures secured or obtained in connection with such measure or petition.

A violation of this section is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state

prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 20. Section 11654 of the Elections Code is amended to read:

Failure of circulator to surrender petition

11654. Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify such measure or petition and accepts any payment therefor and who fails to surrender such measure or petition to the proponents thereof for filing is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 21. Section 27443 of the Government Code is amended to read:

Failure to perform duties

27443. Any person holding the office of public administrator who wilfully refuses or neglects to perform the duties of his office or who violates any law relating to the duties thereof, for which some other punishment is not prescribed, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 22. Section 11715.7 of the Health and Safety Code is amended to read:

Penalty

11715.7. Any person who shall violate any of the provisions of Sections 11162, 11162.5, 11163, 11163.5, 11164, 11170 and 11170.5, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

SEC. 23. Section 12107 of the Health and Safety Code is amended to read:

Same

12107. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 24. Section 12306 of the Health and Safety Code is amended to read:

Same

12306. Every person who wilfully violates, or causes the violation of, any provision of this chapter, except a provision in Sections 12302, 12304, and 12305, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 25. Section 833 of the Insurance Code is amended to read:

Specific violations

833. Every person who commits any of the acts specified in this section is guilty of a public offense and punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

(a) Knowingly authorizing, directing, aiding, causing, or assisting in causing the issue, execution, or sale of, any security, in nonconformity with a permit of the commissioner then in effect and authorizing such issue, or contrary to the provisions of this article.

(b) Knowingly making any false statement or representation in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him, or by his authority.

(c) With knowledge of the falsity, causing to be filed in the office of the commissioner any false statement or representation concerning an insurer, the property which the insurer then holds or proposes to acquire, the insurer's officers, the insurer's financial condition or other affairs, or the insurer's proposed plan of business.

(d) With knowledge of the falsity of any such statement or representation, causing any security to be issued, executed, or sold without first informing the commissioner of the falsity of such statement in writing.

(e) Directly or indirectly, knowingly causing or assisting in causing any part of the proceeds from the sale of any security to be applied to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose in excess of the amount specified in such permit for such purpose.

(f) Selling a security with knowledge that it has been issued or executed in violation of any of the provisions of this article.

(g) Causing a writing concerning a security to be issued, circulated, or published while having knowledge that such matter contains any statement that is false, misleading, or otherwise likely to deceive a reader thereof.

(h) In any respect, wilfully violating or failing to comply with any of the provisions of this article.

(i) In any other respect, wilfully violating or neglecting to comply with any part of an order or permit of the commissioner under the provisions of this article.

(j) Conspiring with one or more other persons to violate any permit or order issued by the commissioner, or any of the provisions of this article.

SEC. 26. Section 145 of the Military and Veterans Code is amended to read:

Participation in rebellion, etc.

145. A person who, after publication of the proclamation authorized by Section 143, joins, participates or takes any part in a rebellion, insurrection, tumult or riot, or who is party to any conspiracy or combination to resist by force the execution of the laws or who resists or aids in resisting the execution of process in any county or city declared to be in a state of insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting any force ordered out by the Governor to quell or suppress an insurrection, is punishable by a fine of not less than five hundred dollars, or by imprisonment in the

state prison not less than two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 27. Section 33 of the Penal Code is amended to read:

Accessories

33. Except in cases where a different punishment is prescribed, an accessory is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 28. Section 69 of the Penal Code is amended to read:

Resisting, etc., officer

69. Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 29. Section 142 of the Penal Code is amended to read:

Refusal to arrest, etc

142. Every sheriff, coroner, keeper of a jail, constable, or other peace officer, who wilfully refuses to receive or arrest any person charged with a criminal offense, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 30. Section 148 of the Penal Code is amended to read:

Obstructing, etc., officer

148. Every person who wilfully resists, delays, or obstructs any public officer, in the discharge or attempt to discharge any duty of his office, when no other punishment is prescribed, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 31. Section 149 of the Penal Code is amended to read:

Assault, etc by public officer

149. Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 32. Section 270 of the Penal Code is amended to read:

Liability of father

270. A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. If the father, during such violation, remains out of the State for 30 days, or if he fails or refuses to comply with the order of a court of competent jurisdiction requiring him to make any provision for the maintenance, support, medical treatment or other remedial care of such minor child and remains out of the State for 10 days without doing so, he is guilty of a felony. This statute

shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is wilful and without lawful excuse. Proof

In the event that the father of either a legitimate or illegitimate minor child is dead or for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of failure on the part of the father to the same extent and in the same manner as the father. Liability of mother

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned. Applicability

SEC. 33. Section 270a of the Penal Code is amended to read:

270a. Every husband having sufficient ability to provide for his wife's support, or who is able to earn the means of such wife's support, who wilfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter or medical attendance, unless by her misconduct he was justified in abandoning her, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment. Abandonment of wife

SEC. 34. Section 337f of the Penal Code is amended to read:

337f. Any person: (a) Who influences, or induces, or conspires with, any owner, jockey, groom or other person associated with or interested in any stable, horse, or race in which a horse participates, to affect the result of such race by stimulating or depressing a horse through the administration of any drug to such horse, or by the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, or Stimulation, etc., of horses

(b) Who so stimulates or depresses a horse, or

(c) Who knowingly enters any horse in any race within a period of 24 hours after any drug has been administered to such horse for the purpose of increasing or retarding the speed of such horse, is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment, or

(d) Who wilfully or unjustifiably enters or races any horse in any running or trotting race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club or the United States Trotting Association or who wilfully sets on foot, instigates, engages in or in any way furthers any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club or the United States Trotting Association is guilty of a felony and punishable by imprisonment in the state prison for a period not exceeding five years or by a fine not exceeding five thousand dollars or by both such fine and imprisonment.

"Drug" The term "drug" includes all substances recognized as having the power of stimulating or depressing the central nervous system, respiration, or blood pressure of an animal, such as narcotics, hypnotics, benzedrine or its derivatives, but shall not include recognized vitamins or supplemental feeds approved by the veterinarian representing the California Racing Board.

SEC. 35. Section 347b of the Penal Code is amended to read:

Sale, etc., of alcoholic solution with poisonous, etc., substance

347b. It shall be unlawful for any person, firm or corporation to manufacture, sell, furnish, or give away, or offer to manufacture, sell, furnish, or give away any alcoholic solution of a potable nature containing any deleterious or poisonous substance, and the burden of proof shall be upon the person, firm, or corporation manufacturing, selling, furnishing, or giving away, or offering to manufacture, sell, furnish, or give away, any such alcoholic solution of a potable nature containing any deleterious or poisonous substance, to show that such alcoholic solution of a potable nature did not contain any deleterious or poisonous substance. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 36. Section 405 of the Penal Code is amended to read:

Participation in riot

405. Every person who participates in any riot is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 37. Section 529 of the Penal Code is amended to read:

529. Every person who falsely personates another in either his private or official capacity, and in such assumed character, either: False impersonation

1. Becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take such bail or surety;

2. Verifies, publishes, acknowledges, or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, or used as true; or,

3. Does any other act whereby, if done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person;

Is punishable by a fine not exceeding five thousand dollars, or by imprisonment in the state prison not exceeding two years or in a county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 38. Section 587 of the Penal Code is amended to read:

587. Every person who maliciously, either: Injuring, etc., railroad

1. Removes, displaces, injures, or destroys any part of any railroad, whether for steam or horse cars, or any track of any railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or,

2. Places any obstruction upon the rails or track of any railroad, or of any switch, branch, branchway, or turnout connected with any railroad;

Is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year.

SEC. 39. Section 607 of the Penal Code is amended to read:

607. Every person who wilfully and maliciously cuts, breaks, injures or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp, overflow, tide or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them or wilfully or maliciously makes, or causes to be made, any aperture or plows up the bottom or sides in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same; or draws up, cuts or injures any piles fixed in the ground for the purpose of securing any sea bank, or sea wall, or any dock, quay or jetty, lock, or sea wall; or who, between the first day of October and the fifteenth day of April of each year, plows up or loosens the soil in the bed on the side of any natural water course, reclamation or drainage ditch, with an intent to destroy the same without Injuring, etc., of dams, etc

removing such soil within 24 hours from such water course, reclamation or drainage ditch, or who, between the fifteenth day of April and the first day of October of each year, shall plow up or loosen the soil in the bed or on the sides of such natural water course, reclamation or drainage ditch, with an intent to destroy the same and shall not remove therefrom the soil so plowed up or loosened before the first day of October next thereafter, is guilty of a misdemeanor, and upon conviction, punishable by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment; provided, that nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any such water course, reclamation or drainage ditch, for the purpose of mining.

SEC. 40. Section 12832 of the Revenue and Taxation Code is amended to read:

Use of rights, etc., of suspended or forfeited insurer

12832. Every person who attempts or purports to exercise any of the rights, privileges or powers of a suspended domestic insurer or attempts to transact any intrastate business in this State in behalf of a forfeited foreign insurer is guilty of a misdemeanor. Upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 140

An act to amend Section 796.2 of the Agricultural Code, relating to citrus fruit.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 796.2 of the Agricultural Code is amended to read:

Export packs

796.2. All oranges (except tangerines and mandarins), grapefruit or lemons intended for shipment out of the State of California, before being so shipped, shall be regularly packed throughout in lidded standard containers, as specified in this code for such fruit, and shall be uniform in size.

Exceptions

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States Government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds, or (3) the sale, marketing, or

transportation for sale or marketing of oranges, grapefruit or lemons in bulk and not in containers when transported directly from the State of California to the State of Baja California, Republic of Mexico.

Oranges, grapefruit and lemons intended for shipment out of the State of California in standard container number 58 or 59 need not be regularly packed throughout the container but such container shall be closed.

Declaration of intention

SEC. 2. It is the intention of the Legislature to permit this exemption to the requirements of Section 796 2 of the Agricultural Code on the basis of the current peculiar characteristics of the market in Baja California for California citrus fruits. This is a small but important market for the citrus industry of California. The consumer in Baja California, however, has not demanded the same standard of pack and size required by the provisions of Section 796.2.

CHAPTER 141

An act to amend Sections 29901, 29901.5, 29903, 29904, 29906, 29908, 29910, 29911, 29912, 29916, 29923 and 29928 of the Government Code, to add Sections 29910.1, 29910.2 and 29921 to the Government Code and to repeal Sections 29907 and 29921 of the Government Code, all relating to the incurring of bonded indebtedness by counties and declaring the urgency of this act, to take effect immediately.

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957]

In effect immediately

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

SECTION 1. Section 29901 of the Government Code is amended to read:

Order of supervisors

29901. The board of supervisors shall adopt an order calling and providing for a bond election, which order shall state:

(a) The purpose or purposes for which the indebtedness is to be incurred.

(b) The amount of bonds proposed to be issued.

(c) The maximum rate of interest.

(d) The date of the election.

(e) The manner of holding the election and the procedure for voting for or against the proposition.

SEC. 2. Section 29901.5 of the Government Code is amended to read:

Use of bond proceeds

29901.5. All or any part of the proceeds of the bonds may be contributed or paid to any agency, board, commission or entity constituted or provided for by agreement under or pursuant to Article 1, Chapter 5, Division 7, Title 1 of the Government Code, if the board of supervisors shall find that such contribution will effectuate a purpose stated in the bond

proposition and will be in aid of a purpose which will materially benefit and serve the general county interest and that the public interest, convenience, and necessity of the county as a whole requires the contribution to be made by the county.

SEC. 3. Section 29903 of the Government Code is amended to read:

Ballot

29903. The words "Bonds—Yes," and "Bonds—No," or words of similar import shall appear on the ballot adjacent to each bond proposition.

SEC. 4. Section 29904 of the Government Code is amended to read:

Number of propositions

29904. Several separate propositions may be submitted at the same election, and any single proposition may include one or more purposes.

SEC. 5. Section 29906 of the Government Code is amended to read:

Notice

29906. The order calling and providing for a bond election shall be published in one or more newspapers published in the county once a week for at least four weeks. If no newspaper is published in the county, copies of the order shall be conspicuously posted in five public places in the county at least 14 days before the election. No other notice of such election need be given.

SEC. 6 Section 29908 of the Government Code is amended to read:

Vote

29908. If two-thirds of the electors voting on a proposition vote in favor of it, the bonds in an amount not exceeding that specified in said proposition may be issued. When two or more propositions are submitted at the same election, the votes cast for and against each proposition shall be separately counted.

SEC. 7. Section 29910 of the Government Code is amended to read:

Resolution

29910. If the issuance of the bonds is authorized at said election, the board may thereafter adopt a resolution or resolutions providing for the issuance of all or any part of the bonds authorized at said election. Said resolution shall prescribe the form of the bond and attached interest coupons, and fix the time or times of maturity of the bonds.

SEC. 8. Section 29910.1 is added to the Government Code, to read:

Bond issuance

29910.1. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

SEC. 8.5. Section 29910.2 is added to the Government Code, to read:

29910.2. When the issuance of bonds shall have been authorized pursuant to two or more propositions submitted at the same or different elections, all or any part of said bonds not theretofore issued may be combined and issued and sold as a single issue or series. Same

SEC. 9. Section 29911 of the Government Code is amended to read:

29911. In the resolution providing for the issuance of the bonds, the board may provide for the call and redemption of all or any part of the bonds on any interest payment date prior to their fixed maturity, at their par value plus a specified premium, if any, and accrued interest. The bonds to be called for redemption prior to maturity shall be selected in such manner as the board may provide in said resolution. If a bond is subject to call and redemption a statement to that effect shall be set forth on the face of the bond. Resolution provisions

SEC. 10. Section 29912 of the Government Code is amended to read:

29912. Notice of redemption shall be published at such time and in such manner as the board may provide in the resolution providing for the issuance of the bonds. Notice of redemption

SEC. 11. Section 29916 of the Government Code is amended to read:

29916. Interest on the bonds shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of said year. Interest rate

SEC. 12. Section 29921 is added to the Government Code, to read:

29921. All premiums and accrued interest received shall be placed in the fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the proposition; provided, however, that when said purpose and object have been accomplished any moneys remaining in such improvement fund shall be transferred to the fund to be used for the payment of principal of and interest on the bonds When such purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the General Fund. Application of premiums and accrued interest

SEC. 13. Section 29923 of the Government Code is amended to read:

29923 The tax for interest and redemption of bonds shall be in addition to all other taxes, and shall not be less than sufficient to pay the interest on the bonds and such portion of the principal, if any, as is to become due before the time for making the next general tax levy. It shall also be sufficient to constitute a sinking fund for the payment of the principal Amount of tax levy

of the bonds on or before maturity. The board shall provide for the levy of an annual tax sufficient to effect the objects of this section either in the resolution providing for the issuance of the bonds or in an ordinance adopted before or at the time of issuing the bonds.

SEC. 14. Section 29928 of the Government Code is amended to read:

Validity

29928. If any officer whose signature, counter-signature, or attestation appears on any county bond or coupon ceases to be such officer before the delivery of the bonds to the purchasers, the signature, counter-signature, or attestation appearing either on the bonds or the coupons, or on both, is valid and sufficient for all purposes to the same extent as if the officer had remained in the office until the delivery of the bonds. The signature upon the coupons of the person who is auditor or treasurer at the date of the bonds is valid although the bonds themselves are attested by a different person who is auditor or treasurer at the time of their delivery.

Repeal

SEC. 15. Sections 29907 and 29921 of the Government Code are repealed.

Urgency

SEC. 16. This act is an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The peace, health and safety of citizens and residents of certain counties in this State require the immediate acquisition, construction and financing by said counties of facilities for the care and correction of juveniles, custody and rehabilitation of county prisoners, for police protection and the administration of justice, for hospital and medical treatment, for sanitary sewers and storm drains, and other public works essential to the peace, health, safety and well-being of county residents Although such facilities are critically and immediately needed, they must be a coordinated part of a long-range construction and financing program. The inflexible provisions of the existing law relating to the issuance and sale of county bonds make it extremely difficult to coordinate present financing requirements with the financing requirements for the future.

CHAPTER 142

An act to add Section 21166.5 to the Water Code, relating to officers of irrigation districts.

In effect September 11, 1957

[Approved by Governor April 18, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 21166.5 is added to the Water Code, to read:

21166.5. Notwithstanding the provisions of Section 21166, a director may participate in any plan for group insurance, group annuities, social security, medical and hospital service or any other authorized program which has been adopted and carried into effect for the benefit of all such officers and employees, including directors, as accept the same and authorize the board to make any necessary deductions from their compensation for payment of a portion of the premium thereon.

CHAPTER 143

An act to amend Sections 3573, 3605, 3945, and 5284 of the Public Utilities Code, relating to carrier permits.

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3573 of the Public Utilities Code is amended to read:

3573. Any operating permit not exercised for a period of one year shall lapse and terminate. Nonuser

SEC. 2. Section 3605 of said code is amended to read:

3605. A permit shall remain in effect until suspended or terminated by the commission, except that any permit not exercised for a period of one year shall lapse and terminate. Termination

SEC. 3. Section 3945 of said code is amended to read:

3945. A permit shall remain in effect until otherwise ordered by the commission, except that a permit shall lapse and terminate if not exercised for a period of one year, and a permit issued to engage in the transportation of unprocessed agricultural commodities from a point of production to a processing or storage plant shall expire on December 31st of the year in which issued unless sooner terminated or revoked by order of the commission. Same

SEC. 4. Section 5284 of said code is amended to read:

5284. A permit shall remain in effect until suspended or terminated as provided in this chapter. Any permit not exercised for a period of one year shall lapse and terminate. No permit shall be sold, leased, assigned or otherwise transferred or encumbered by the holder thereof without first having secured from the commission an order authorizing the same. Any such sale, lease, assignment, transfer or encumbrance made otherwise than in accordance with the order of the commission authorizing the same shall be void. Same

CHAPTER 144

An act to amend Sections 1064, 1904, 5004, and 5136 of the Public Utilities Code, relating to filing fees on applications of carriers for certificates and permits.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 1064 of the Public Utilities Code is amended to read:

Fee

1064. Each application for a certificate of public convenience and necessity made under the provisions of this article shall be accompanied by a fee of one hundred dollars ($100).

Conditions

The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require.

SEC. 2. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

Fees

(a) For filing each application for a certificate of public convenience and necessity (except as otherwise provided in Sections 1036 and 1064), or for the mortgage, lease, transfer, or assignment thereof, fifty dollars ($50).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, one dollar ($1) for each thousand dollars ($1,000) of the face value of the authorized issue or fraction thereof up to one million dollars ($1,000,000), fifty cents ($0.50) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and twenty-five cents ($0.25) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of twenty-five dollars ($25). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any bond, note, or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid.

SEC. 3. Section 5004 of said code is amended to read:

Same

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.

SEC. 4. Section 5136 of said code is amended to read:

5136. Each application for issuance of a permit under this chapter shall be accompanied by a fee of one hundred dollars ($100). Fees

The filing fee for an application for transfer of a permit is twenty-five dollars ($25).

All fees paid to the commission under this chapter shall be deposited in the Transportation Rate Fund.

CHAPTER 145

An act to amend Section 3542 of the Public Utilities Code, relating to common carriers.

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.] In effect September 11, 1957

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

SECTION 1. Section 3542 of the Public Utilities Code is amended to read:

3542. No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier or as a common carrier and a petroleum contract carrier of the same commodities between the same points.

CHAPTER 146

An act to add Section 4819 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor April 19, 1957 Filed with Secretary of State April 22, 1957] In effect September 11, 1957

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

SECTION 1. Section 4819 is added to the Health and Safety Code, to read:

4819. The cost of the engineer's report, employees' salaries, costs of engineering surveys, bond counsel fees, and other initial costs and expenses, not to exceed five thousand dollars ($5,000), incurred after formation of a district and prior to receipt of its first available funds, may be advanced by another county sanitation district or districts situated within the same county, upon such terms and conditions as may be agreed upon; said funds must be repaid by the borrowing district from its first available funds.

CHAPTER 147

An act to amend Section 23661 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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 chapter are not applicable in the case of alcoholic beverages which are sold and delivered by a licensee in this State to another licensee in this State, and which in the course of delivery are taken without this State through another state without any storage thereof in such other state.

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 148

An act to amend Section 23402 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 23402 of the Business and Professions Code is amended to read:

23402. No retail on- or off-sale licensee shall purchase alcoholic beverages for resale from any person except a person holding a beer manufacturer's, wine grower's, rectifier's, brandy manufacturer's, or wholesaler's license.

CHAPTER 149

An act to amend Section 24879 of the Business and Professions Code, relating to returns of wine.

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24879 of the Business and Professions Code is amended to read:

24879. A retailer may return wine to the seller or to the successor of the seller and the seller or his successor may accept the return thereof, but the seller or his successor may not sell wine to the retailer for a period of one year after the date the returned wine is accepted or received unless the wine is returned in exchange for the identical quantity, brand, and item of wine, or unless it is returned pursuant to court order, or unless the returned wine is a brand or item of wine which has been discontinued by the seller or his successor, and in such case the wine is exchanged for the identical quantity of a brand or item of similar quality.

If wine or the container thereof is damaged or deteriorated, and the seller thereof has ceased to carry on a business licensed under this division and there is no successor to such business, such wine may be returned by a retailer to a wine grower or wholesaler who handles the same brand or item of wine, upon the same terms and conditions provided in this section for return of wine to a seller or his successor, after receiving approval from the department.

CHAPTER 150

An act to amend Section 740.5 of the Welfare and Institutions Code, relating to minors believed to be mentally unsound and their temporary placement for observation in institutions under the jurisdiction of the Department of Mental Hygiene.

[Approved by Governor April 18, 1957. Filed with Secretary of State April 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 740.5 of the Welfare and Institutions Code is amended to read:

740.5 Whenever any person has been adjudged to be a ward of the juvenile court, or whenever any person is alleged to come within the provisions of subdivision (1) of Section 700, and the court, after hearing, is in doubt concerning the state of mental health or the mental condition of the person, the court may commit the person to the Department of Mental

Commitment to department

Hygiene for placement in a state hospital or state home for the mentally deficient for a period of not more than 90 days, for observation of the mental health or the mental condition of the person and recommendations concerning his future care, supervision, and treatment. If the Department of Mental Hygiene has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

Expense of support

For each minor person so committed for observation the county from which he is committed shall pay the State at the rate of forty dollars ($40) per month for the time the person so committed remains in the state institution for observation. Such expense shall be considered expense of support and maintenance within the meaning of Article 10 of this chapter,

Reimbursement

and the county shall be entitled to reimbursement therefor from the earnings, property, or estate of the minor, or from his parents, guardian or other person liable for his support and maintenance, in accordance with the provisions of that article. Each county auditor shall include in his state settlement report, rendered to the Controller in the months of January and June, the amount due under the provisions of this section, and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due by reason of such commitments.

Report and diagnosis, etc.

The medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which a minor person is placed for observation pursuant to this section shall, within 90 days, examine the person to determine the state of his mental health or his mental condition, and return him to the committing court, together with a report on the state of his mental health or mental condition, which shall include a diagnosis of the nature of his mental illness or disability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental illness, disorder, or other mental disability for which he might be committed to the Department of Mental Hygiene for placement in any state institution under Division 6 of this code, the court shall proceed with the case in accordance with the provisions of this chapter.

If the medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which the minor has been placed for observation reports to the court that the minor is affected with any mental illness, disorder, or other mental disability for which he may be committed to the Department of Mental Hygiene for placement in any state institution under Division 6 of this code, and recommends that the minor person be so committed, the juvenile court may direct the filing of a petition for such commitment in the court having jurisdiction to make such commitments, in accordance with the provisions of this code applicable to such commitments.

Petition for commitment

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department of Mental Hygiene for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by the court of medical examiners or other expert witnesses, or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

Jurisdiction

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed, or under commitment ordered by that court.

CHAPTER 151

An act to amend Section 6610.4 of the Welfare and Institutions Code, relating to physicians who may sign applications for admission to state hospitals of persons believed to be mentally ill.

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6610.4 of the Welfare and Institutions Code is amended to read:

6610.4. Each such application shall be accompanied by certificates, dated not more than seven (7) days prior to the presentation of the application to the superintendent, by each of two physicians certifying that he has examined the person within three (3) days of the date of the certificate and believes the person to be mentally ill and in need of supervision,

care, or treatment Each such physician shall further certify that he holds a valid and unrevoked physician's and surgeon's certificate issued under the provisions of Division 2, Chapter 5, of the Business and Professions Code, and that he is not related to the person by blood or marriage and is not connected in any way with a state hospital.

CHAPTER 152

An act to add Section 1103.01 to the Agricultural Code, relating to eggs.

In effect September 11, 1957

[Approved by Governor April 19, 1957 Filed with Secretary of State April 22, 1957]

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

SECTION 1. Section 1103 01 is added to the Agricultural Code, to read:

1103.01. Notwithstanding any provisions of this article, it is unlawful for any person operating a breaking plant to have in his possession, for breaking-out purposes, eggs which do not meet the requirements of subdivision (d) of Section 1103. Such eggs are subject to rejection under the provisions of Section 1106.2 and shall not be broken out in a breaking plant unless the excessive percentage of inedibles has first been removed.

CHAPTER 153

An act to amend Sections 911 23, 913, 915 and 915.1 of, and to repeal Section 913.1 of, the Agricultural Code, relating to agricultural and vegetable seeds.

In effect September 11, 1957

[Approved by Governor April 19, 1957 Filed with Secretary of State April 22, 1957]

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

SECTION 1. Section 911.23 of the Agricultural Code is amended to read:

"Secondary noxious weeds"

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Bermuda grass (Cynodon dactylon).

Dodder, meaning clover dodder (Cuscuta epithymum), Chilean dodder (C. racemosa var. chiliana), field dodder (C. pentagona), flax dodder (C. epilinum), big-seed alfalfa dodder (C. indecora), and little-seed alfalfa dodder (C. planiflora).

Halogeton (Halogeton glomeratus).

Johnson grass (Sorghum halepense).

Klamath weed (Hypericum perforatum).
Mediterranean sage (Salvia aethiopis).
Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).
Poverty weed (Iva axillaris).
Puncture vine (Tribulus terrestris).
Sandbur grass (Cenchrus pauciflorus).
Wild morning glory or European glorybind (Convolvulus arvensis).
Yellow star thistle (Centaurea solstitialis)
Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

SEC. 2. Section 913 of said code is amended to read:

Vegetable seed label

913. Each container of vegetable seed which is sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) Name of kind and variety of seed;

(2) For seeds which germinate less than the standard last established by the director under this article:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "Below Standard" in not less than eight-point type; and

(3) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

(4) In addition to the information required above, on each container of more than one pound, other than those labeled "Below Standard," the label shall include:

(A) Lot number or other lot identification;

(B) The calendar month and year the germination test was completed

Repeal

SEC. 3. Section 913.1 of said code is repealed.

SEC. 4. Section 915 of said code is amended to read:

Exceptions

915. The provisions of Sections 912 and 913 and provisions (1), (2), and (3) of Section 914 do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing.

The provisions of Sections 912 and 913 and provisions (1) and (2) of Section 914 do not apply:

(1) To seed weighed and packaged in the presence of the purchaser from a bulk container; provided, such container is properly and conspicuously labeled as provided by this article.

(2) To seed or grain transported without transfer of title for sowing by the person by whom it was produced.

(3) To seed or grain transported from one warehouse to another without transfer of title or in storage in a warehouse; provided, that each container is plainly marked or identified

with a lot number or other lot identification; provided further, that label information required by said sections be available at the request of an enforcing officer.

SEC. 5. Section 915.1 of said code is amended to read:

Compliance

915.1. Any lot of more than one container of seed shall be deemed to comply with the provisions of Section 912 or 913, notwithstanding the fact that each container does not bear the tag or label required by said sections, if each container is plainly marked or identified with a lot number or other lot identification, and if the invoice and one or more of the containers bears the tag or label required by said sections:

(1) When transported to a dealer for resale.

(2) When sold to a consumer in lots of more than five containers.

This section shall not be construed to exempt any person from the duty of labeling each container of seed sold to a consumer, except as herein provided.

CHAPTER 154

An act to maintain the Agricultural Code by amending Sections 41, 668, 746.3, 872, 878, 880, 1300.7, 1300.24, and 4009 thereof, relating to the plant and animal industry and the products thereof and making an appropriation in connection therewith.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 41 of the Agricultural Code is amended to read:

Powers and duties

41. The board shall inquire into the needs of the agricultural industry of this State and the functions of the department in relation thereto, and confer and advise with the Governor and the director as to how the agricultural industry may best be served by the department. The said board, and any member thereof authorized by resolution of the board, may make investigations, conduct hearings and prosecute actions concerning all matters and subjects under the jurisdiction of the State Department of Agriculture, and for such purposes the board and the authorized members thereof are hereby vested with all of the powers and authority conferred upon a head of a state department by Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 2. Section 668 of said code is amended to read:

668. As used in this chapter

"Wholesale dealer"

(a) Wholesale dealer means:

1. Any person who sells imitation milk, imitation cream or any imitation milk product other than imitation ice cream or

imitation ice milk in quantities of one full case or more at a time or in the same transaction;

2. Any person who sells oleomargarine or margarine, renovated butter or any substitute for butter in quantities of 10 pounds or more at a time or in the same transaction;

3. Any person who sells imitation ice cream or imitation ice milk in quantities of two gallons or more at a time or in the same transaction.

"Retail dealer" (b) Retail dealer means all persons who sell any of the above mentioned products in smaller quantities than those necessary to constitute a seller a wholesale dealer.

SEC. 3. Section 746.3 of said code is amended to read:

Payment of fees 746.3. The fees prescribed in Sections 746, 746.1, and 746.2 of this chapter shall be paid to the director by handlers or producer-handlers, as the case may be, not later than the thirtieth day after the calendar months mentioned in said sections. All untested milk and cream purchased in bulk and not tested for milkfat content shall be deemed to weigh and test as follows: milk, eight and six-tenths (8.6) pounds per gallon, milkfat content four percent (4%); cream, eight (8) pounds per gallon, milkfat content thirty-two percent (32%); and any fractional or greater measurement shall be on the above basis.

Penalty To the amount of fees unpaid when due, there shall be added a penalty of ten percent (10%), and the amount due, with penalty added, shall bear interest at the rate of one-half of one percent (½ of 1%) per month.

State Dairy Products Trust Fund All moneys heretofore or hereafter received by the director under the provisions of this chapter shall be accounted for and reported monthly to the Controller, and at the same time such moneys shall be deposited in the State Dairy Products Trust Fund in the State Treasury, which fund is hereby created. The director shall maintain a record of the receipts and disbursements of all moneys collected and disbursed by him under this chapter, showing the source of moneys received and the purposes for which it was disbursed.

Appropriation All money in the State Dairy Products Trust Fund is hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropriation herein made shall be exempted from the operation of Section 16304 of the Government Code. The moneys in the State Dairy Products Trust Fund shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse the moneys in said fund in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

Revolving fund The director may, with the approval of the Department of Finance and without at the time furnishing vouchers or itemized statements, withdraw from the State Dairy Products

Trust Fund such amount as the director may require, to be used as a cash revolving fund to be disbursed by the director to carry out the purposes of this chapter. Such revolving fund shall be deposited in such bank or banks under such conditions as the director determines, with the approval of the Department of Finance. The Controller shall draw his warrants in favor of the director for the amounts so withdrawn, and the Treasurer shall pay such warrants. Any sums withdrawn under the provisions of this section without at the time furnishing vouchers or itemized statements therefor must, at least once a year, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller. Reimbursement of the revolving fund for disbursements therefrom shall be made upon the presentation to and audit by the Controller of vouchers covering expenditures, in such form as the Controller may require.

All disbursements from the State Dairy Products Trust Fund shall be made in conformity with appropriate rules and regulations prescribed by the director and approved by the Board of Control.

Budget

The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures hereunder.

Recovery of fees

The director, by action prosecuted by him, may recover from handlers and producer-handlers all fees which, as prescribed herein, have been or should have been collected by them on milkfat of producers and on producer-handlers' own production and fees on milkfat which they purchased or possession or control of which was acquired by them, or which they produced and used for processing, and all penalties and interest which may have accrued thereon under the provisions of this chapter.

SEC. 4. Section 872 of said code is amended to read:

Powers of Director of Public Health

872. The Director of Public Health shall enforce this chapter and for that purpose may:

(a) Enter and inspect every place within the State where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and to inspect all fruits or vegetables, including olives, and containers found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables packed, shipped, delivered for shipment, or sold in violation of any of the provisions of this chapter, and hold same pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the State in which may be found canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold, in violation

of any of the provisions of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Chapter 3 (commencing at Section 26450) of Division 21 of the Health and Safety Code.

SEC. 5. Section 878 of said code is amended to read:

878. Any person, firm, company or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars ($5) nor more than five hundred dollars ($500), or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Whenever the Director of the Department of Public Health shall find after investigation and examination that any canned fruits or vegetables, including olives, found in the possession of any person, firm, company or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag the same "quarantined," and said canned fruits or vegetables, including olives, shall not thereafter be sold, offered for sale, removed or otherwise disposed of pending hearing and final disposition as provided by Chapter 3 (commencing at Section 26450) of Division 21 of the Health and Safety Code. Penalties

Canned fruits or vegetables, including olives found to be mislabeled or misbranded within the meaning of this chapter may, by order of any court or judge, be seized and destroyed.

One-half of all fines collected by any court or judge, for the violations of the provisions of this chapter shall be paid to the State Treasurer for credit to the General Fund of the State.

SEC. 6. Section 880 of said code is amended to read:

880. No act which is made unlawful by any provisions of Chapter 3 (commencing at Section 26450) of Division 21 of the Health and Safety Code shall be deemed lawful by reason of any provision of this chapter, nor shall this chapter limit the powers of the State Board of Health. Effect of chapter

SEC. 7. Section 1300.7 of said code is amended to read:

1300.7. Every producer of farm products who sells products grown and harvested by him to any processor under contract, express or implied, in addition to all other rights and remedies provided for by law, shall have a lien upon such products and upon all processed or manufactured forms thereof for his labor, care and expense in growing and harvesting such products to the extent of the agreed price, if any, for such products so sold, and if there is no agreed price or a method for determining the same agreed upon, then to the extent of the value thereof as of the date of delivery. The producer's lien provided for in this chapter shall attach on all such delivered products from the date of delivery of such farm products or any portion thereof by a producer to any processor, and except as provided in Section 1300.8, shall be a preferred lien prior in dignity to all other liens, claims or Producer's lien

encumbrances excepting labor claims for wages and salaries for personal services rendered by any person to any processor in connection with the said processing business after the delivery of any such products for processing and excepting the lien of a warehouseman as provided by Article 3B (commencing at Section 1858.01) of Chapter 2, Title 3, Part 4, Division 3 of the Civil Code.

All liens provided for herein shall be on all farm products and the processed forms thereof in the possession of the processor without segregation of such products.

Same: Completion

The said liens of producers, unless sooner released by payment or by security given for such payment as herein provided, shall be complete from the date of delivery of such products, or if there is a series of deliveries, then from the date of the last delivery, and shall remain in effect for 60 days thereafter at which time such lien shall cease unless proceedings be commenced in a proper court within that time to enforce the same.

Same: Enforcement

If suit is commenced by any such producer to enforce any lien, as herein provided, such lien shall remain in effect until the payment of the agreed price, or the value of such product or products, or by a deposit of the amount of any lien or claims with the clerk of the court in which any such action is pending, or until the final determination of said court proceeding; provided, that any lien on products or processed products may be released to the extent the value of the claim or claims thereon is secured, by a surety bond or a cash deposit or other security given as herein provided; and further provided, that any such producer may release any lien possessed by him upon payment being made to him for the agreed or reasonable value, of said product or products so sold and delivered, or upon arrangements being made for such payment satisfactory to the producer.

Records

Every processor shall keep accurate books and records showing the names and addresses of all producers selling and making delivery of farm products to him, including the dates of deliveries, the quantities thereof, and the agreed price to be paid therefor, and if no agreed price has been arrived at, or a method for determining the same agreed upon, then such agreed price shall be considered the value of such products as of date of delivery. For the purpose of ascertaining such value and in addition to other evidence, reference may be had to price quotations from the federal-state market news service. Accurate grading and weight receipts bearing the date thereof shall be given by all processors to each producer, or his agent, upon each and every delivery, such receipt to bear the name and address of the producer and the name of the processor. Not later than five days after demand the processor shall give to every such producer so requesting a full and complete statement of such producer's account, showing the entire quantities of products delivered by him, the grades thereof, and the amount owing for every lot and for the whole thereof.

SEC. 8. Section 1300.24 of said code is amended to read:

1300.24. (a) In the event the director finds that it tends to effectuate the declared purposes of this act within the standards prescribed in this act, the director may issue a marketing order, applicable to the marketing, within the State of California, of any agricultural commodity, containing like terms, provisions, methods and precedures as any license or order regulating the marketing of such commodity in interstate or foreign commerce, issued by the Secretary of Agriculture of the United States pursuant to the provisions of any law or laws of the United States. In selecting the members of any board or other advisory agency under such marketing order, the director shall, insofar as practicable, utilize the same persons as those serving in a similar capacity under such federal license or order, so as to avoid duplicating or conflicting personnel. Marketing order

Provided, that, any board, agency or committee so appointed by the director shall be responsible to the director for the performance of such of their duties as relate to the administration of any such marketing order issued by the director hereunder.

(b) The director is hereby authorized to confer with and cooperate with the legally constituted authorities of other states and of the United States, for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses or orders, and said director is authorized to conduct joint hearings, issue joint or concurrent marketing orders, for the purposes and within the standards set forth in this act, and may exercise any administrative authority prescribed by this act to effect such uniformity of administration and regulation. Authority of director

(c) Nothing in this act contained shall apply to any order, rule or regulation issued or issuable by the Public Utilities Commission or the Interstate Commerce Commission with respect to the operation of common carriers. Limitation

(d) In any civil or criminal action or proceeding for violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, Section 1673 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this act or a marketing order issued under this act, and in furtherance of the purposes and provisions of this act, shall be a complete defense to such action or proceeding. Defense to action

SEC. 9. Section 4009 of said code is amended to read:

4009. The director shall act as arbitrator in all cases of dispute or contention concerning the maintenance or operation of any licensed dairy produce exchange, or the by-laws, rules or regulations pertaining thereto. Upon receipt of any verified complaint concerning a licensed dairy produce exchange the director shall proceed to make a thorough investigation. In this connection, he may conduct hearings, of which all interested parties shall receive due notice, and may require written state- Arbitration

ments setting forth the views of any or all contending parties. In this connection he shall invite the cooperation and solicit the opinion of the Federal Trade Commission and the Bureau of Agricultural Economics of the United States Department of Agriculture. On the basis of the information so obtained the director shall prescribe a tentative rule which shall be effective in the operation of any licensed dairy produce exchange for a period not to exceed 90 days. If, after such trial period, it shall appear that said tentative rule operates in a fair and equitable manner, it shall then upon order of the director be made a permanent rule of said licensed dairy produce exchange. If, in the conduct of any such investigation, it shall appear that any unlawful act or acts have been committed by any licensed dairy produce exchange, the director may initiate appropriate legal proceedings against such licensees.

CHAPTER 155

An act to maintain the Revenue and Taxation Code, by amending Sections 2505, 2506, 2509, 2510, 2851, 2919, 3450, 3729, 5011, 5099, 8352, 9603, 9603.5, 16507 and 32173, and by amending and renumbering Sections 162, 163 and 1882.5 thereof, by adding Section 9603.3 thereto, and by repealing Sections 159, 4989, 5097.3, 5097.4, 5140, and 6403 and Chapter 1 (commencing with Section 28001) of Part 12, Division 2, of said code, relating to taxation and the raising of revenue, and making an appropriation.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 162 of the Revenue and Taxation Code, as added by Chapter 1502 of the Statutes of 1947, is amended and renumbered to read:

Recording, etc., of taxed property

162.5. Any taxing agency, including a taxing agency having its own system for the levying and collection of taxes or assessments, but excluding a county, may by ordinance or resolution of its governing body provide that the county recorder shall file, record, index, and make notations upon, written instruments pertaining to the assessment, sale, and deeding (whether to such agency or a purchaser therefrom) of property taxed or assessed by such agency in the same manner and with the same effect as provided in this division with respect to comparable instruments pertaining to property subject to county taxes, and the county recorder shall comply with such ordinance or resolution upon payment of the same fees as if the taxing agency were the county. The recorded duplicate of any deed to a taxing agency other than the State or county shall be forwarded by the county recorder to the officer designated in the ordinance or resolution.

SEC. 2. Section 163 of said code, as added by Chapter 1223 of the Statutes of 1947, is amended and renumbered to read:

163.5. The provisions of this division relating to actions and proceedings for quieting title to property, and holding any tax deed to be void, shall apply to property assessed, sold, or deeded for the taxes or assessments of any taxing agency, including a taxing agency having its own system for the levying and collection of taxes or assessments, but excluding a county, the same, or as nearly the same as possible, as such provisions apply to property assessed, sold, or deeded for county taxes. For this purpose when used in such provisions: Scope of division

(a) "State" or "county" means the taxing agency. Definitions

(b) "Controller" means the governing body of the taxing agency.

(c) "District attorney" means the attorney or legal counsel of the taxing agency.

Any reference in such provisions to all or any portion of this division shall be deemed for the purposes of this section to refer to comparable provisions of the law, charter, or ordinance pursuant to which the taxing agency involved levies and collects taxes or assessments on property.

SEC. 3. Section 1882.5 of said code is amended and renumbered to read:

1832.5. The board, in order to facilitate the equalization of property values between the several counties, may equalize each class of property on the local roll of each county so that the assessment of each class of property in the county is proportionate to the assessment of every other class of property. Equalization of class of property

For the purpose of this section, the classes of property are defined as: Definitions

(a) All land within the county.

(b) All improvements within the county.

(c) All tangible personal property within the county.

SEC. 4. Section 2505 of said code is amended to read:

2505. The assessor, tax collector, or treasurer for any city or county may in his discretion accept negotiable paper in payment of any tax, or assessment, or on a redemption. Payment by negotiable paper

SEC. 5. Section 2506 of said code is amended to read:

2506. The acceptance of negotiable paper constitutes a payment of a tax, assessment, or redemption as of the date of acceptance when, but not before, the negotiable paper is duly paid. Acceptance as payment

SEC. 6. Section 2509 of said code is amended to read:

2509. If any negotiable paper is not paid on due presentment for any reason, any record of payment made on any official record because of its acceptance shall be canceled, and the tax or assessment is a lien as though no payment has been attempted. Cancellation on non-payment

The officer accepting negotiable paper shall make any memoranda necessary to enable him to make proper cancellation on its return without payment.

SEC. 7. Section 2510 of said code is amended to read:

Record and notice

2510. When a cancellation is made, the officer making it shall record it on the record where the notation of payment was made. He shall immediately send a notice to the person who attempted payment by the negotiable paper of the cancellation of the payment.

Validity

The validity of any tax, assessment, or penalty is not affected by failure or irregularity in giving the notice.

SEC. 8. Section 2851 of said code is amended to read:

Scope of chapter

2851. It is hereby declared to be the purpose of this chapter to provide an alternative procedure for the collection of property taxes on the secured roll after the second installment of such taxes is delinquent. It is further declared to be the object of this alternative procedure to eliminate the preparation of a delinquent roll by the county tax collector in those counties in which the redemption officer has prepared an abstract list of the unpaid items from all delinquent rolls of the county.

SEC. 9. Section 2919 of said code is amended to read:

Excess proceeds

2919. Any excess in the proceeds of the sale over the taxes, penalties, and costs shall be returned to the owner of the property. Until claimed the excess shall be deposited in the county treasury, subject to the order of the owner or his successor in interest. Any excess in the proceeds of any sale heretofore or hereafter made becomes the property of the county if not claimed within three years after the date of sale.

SEC. 10. Section 3450 of said code is amended to read:

"Negotiable paper"

3450. As used in this chapter and in Sections 3691 and 3693 of this code, "negotiable paper" means bank checks and drafts and express and post-office money orders.

SEC. 11. Section 3729 of said code is amended to read:

Refund

3729. When a court holds a tax deed given under this chapter or Chapters 4.3 or 8 or former Chapter 3 of this part or under former Political Code Sections 3897 and 3897d void, the purchaser from the State is entitled to a refund from the county of the amount paid as purchase price in excess of the amount for which he has been reimbursed for taxes, penalties, and costs. The refund shall be made in the same manner as a refund of an overpayment of tax, except that the claim shall be presented within one year after the judgment becomes final.

SEC. 12. Section 5011 of said code is amended to read:

Cancellation

5011. All or any portion of any assessment of state-assessed property heretofore or hereafter levied may, on satisfactory proof, be canceled by the board if it was made:

(a) More than once.

(b) Erroneously or illegally.

(c) On improvements when the improvements did not exist on the lien date.

SEC. 13. Section 5099 of said code is amended to read:

5099. The refund ordered by the board of supervisors may include county taxes and taxes collected by county officers for a city or revenue district. Refund

SEC. 14. Section 8352 of said code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows: Appropriation

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro-rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro-rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) To the counties, as provided in this chapter, the sum of three hundred fifty thousand dollars ($350,000) per annum, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed by this part on distributions of motor vehicle fuel used or usable in propelling aircraft of a type heavier than air. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

SEC. 15. Section 9603 of said 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. "Operator"

(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.

SEC. 16. Section 9603.3 is added to Chapter 1, Part 4, Division 2 of said code, to read:

Same

9603.3. "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.

SEC. 17. Section 9603.5 of said code is amended to read:

"Occasionally"

9603.5. "Occasionally" as used in subdivision (b) of Section 9603 3 shall be construed to mean occasionally or for a total annual compensation from all sources for providing such transportation for hire of not more than six hundred dollars ($600); and provided, that such transportation shall constitute the sole transportation of persons or property for hire or compensation. Any person excluded from the definition of "operator" under that subdivision shall keep available an account of each time he has transported property or laborers and the compensation received therefor. If during any month of a calendar year the sum of gross receipts of any farmer derived from transportation operations defined in this section shall exceed six hundred dollars ($600) for the calendar year, the farmer shall not be entitled to the exemption herein provided but shall be an operator as defined in Section

9603(a) of this part. The entire sum of his gross receipts earned during that year shall be subject to the tax imposed in this part and the amount of the gross receipts earned in prior months of the year shall be added to the gross receipts of the month in which the sum of the gross receipts for the year exceeded six hundred dollars ($600) and shall be deemed to be gross receipts of that month for the purpose of computing the amount of the tax due under this part. The "account" of transportation performed and compensation received therefor, as herein provided, may be by any simple method of record keeping and in cases where record keeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports shall be deemed adequate for the purposes of this section.

SEC. 18. Section 16507 of said code is amended to read:

Enforcement

16507. Under rules and regulations upon which the Controller and Franchise Tax Board may agree, the Franchise Tax Board shall cooperate in the enforcement of this part by reporting to the Controller any changes in the gross or net income of any person, or any other information obtained in the enforcement of any act administered by the Franchise Tax Board which may in any way indicate that a transfer has been made which is taxable under this part.

SEC. 19. Section 32173 of said code is amended to read:

Presumption of sale in State

32173. It shall be presumed, for the purposes of this part, 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 part.

Repeals

SEC. 20. Sections 159, 4989, 5097.3, 5097.4, 5140, and 6403 and Chapter 1 (commencing with Section 28001) of Part 12, Division 2 of the Revenue and Taxation Code are repealed.

Effect Stats 1949, Ch 1466

SEC. 21. Section 3 of this act, renumbering Section 1882.5 of the Revenue and Taxation Code, shall take effect only if Chapter 1466 of the Statutes of 1949 has not become fully operative on or before the effective date of this act; and in such case, Section 3 of this act shall continue to be operative only until said Chapter 1466 becomes fully operative, it being the intention of the Legislature that the section of the Revenue and Taxation Code renumbered by Section 3 of this act shall be renumbered as provided in said Chapter 1466 of the Statutes of 1949 whenever the said Chapter 1466 becomes fully operative.

CHAPTER 156

An act to amend Section 5180 of the Streets and Highways Code, relating to assessment districts.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 5180 of the Streets and Highways Code is amended to read:

5180. If in the opinion of the legislative body the contemplated work is of more than local or ordinary public benefit, or if, according to the estimate furnished by the engineer, the total estimated costs and expenses thereof will exceed one-half the total assessed value of the lots or lands fronting upon the proposed work, if such lots or lands are assessed according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for city purposes, and after allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the legislative body may make the expense of such work chargeable upon a district, which the legislative body shall, in its resolution of intention, declare to be the district benefited by the work, and to be assessed to pay the cost and expense thereof. The territory comprising said district need not be contiguous and the district may consist of separate and distinct areas or sections. The work performed in one section need not benefit the other section or sections.

CHAPTER 157

An act to amend Section 619 of the Vehicle Code, relating to vehicle equipment.

In effect September 11, 1957

[Approved by Governor April 19, 1957. Filed with Secretary of State April 22, 1957.]

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

SECTION 1. Section 619 of the Vehicle Code is amended to read:

619. Headlamps on Motor Vehicles. Every motor vehicle other than a motorcycle or motor-driven cycle at the times specified in Section 618 hereof, shall be equipped with at least two lighted headlamps with at least one on each side of the front of said vehicle, and, except as to vehicles registered prior to January 1, 1930, they must be located directly above or in advance of the front axle of said vehicle. Every headlamp and every light source in any headlamp unit mounted on a motor vehicle shall be located at a height measured from the center of the headlamp or light source of not more than 54 inches nor less than 24 inches above the level surface upon which said vehicle stands.

CHAPTER 158

An act to amend Section 828.4 of the Agricultural Code, relating to containers for agricultural products.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 828.4 of the Agricultural Code is amended to read:

828.4.	22A	Special lug box	$3\frac{5}{8}$	11	$14\frac{5}{8}$
	22B	Special lug box $4\frac{1}{4}$ or	$4\frac{5}{8}$	$12\frac{1}{2}$	$16\frac{1}{8}$
	22C	Standard lug box	$3\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	22D	Standard lug box $2\frac{7}{8}$ to	$3\frac{7}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	23	Standard lug box	4	$13\frac{1}{2}$	$16\frac{1}{8}$
	24	Standard lug box	$4\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	25	Standard lug box	$4\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	26	Standard lug box	$5\frac{1}{16}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27	Standard lug box	$5\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27A	Bay City lug	$7\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
	27B	Standard lug box	$6\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$

CHAPTER 159

An act to amend Section 2838 of the Elections Code, relating to county central committees.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2838 of the Elections Code is amended to read:

2838. In each county the nominee of the party for State Senator or the incumbent State Senator, the nominees of the party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy therein shall be ex officio members of the county central committee; provided, however, that if the person elected from one party at the special election for an Assembly or Senate seat shall be other than the nominee of that party for the same office at the prior election, then the ex officio membership of the said nominee shall expire immediately upon certification by the Secretary of State of said election. These members shall be entitled to all the rights and privileges including the right to vote and shall have the same standing in every way as other members of the county central committee.

CHAPTER 160

An act to amend Sections 17042, 17184, 17327, 17328, 17332, 17338, 17361, 17435, 17437, 17438, 17835, 18045, 18099, 18165, 18182, and 18202 of Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 17042 of the Revenue and Taxation Code is amended to read:

Head of household

17042. For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, and either—

(a) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(1) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for such person under Section 17181 (d); or

(2) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under Section 17181 (d).

For purposes of this section, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

SEC. 2. Section 17184 of the Revenue and Taxation Code is amended to read:

Support of individuals

17184. For purposes of Section 17182 over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

(a) No one person contributed over half of such support;

(b) Over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(c) The taxpayer contributed over 10 percent of such support; and

(d) Each person described in subsection (b) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Franchise Tax Board may by regulations prescribe) that

he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

SEC. 3. Section 17327 of the Revenue and Taxation Code is amended to read:

17327. (a) Except as provided in subsection (b), Section 17384 shall apply in determining the ownership of stock for purposes of Sections 17325 and 17326. Stock ownership

(b)(1) In the case of a distribution described in Section 17326(c), Section 17384(a) shall not apply if— Limitations

(A) Immediately after the distribution the distributee has no interest in the corporation (including an interest as officer, director, or employee), other than an interest as a creditor;

(B) The distributee does not acquire any such interest (other than stock acquired by bequest or inheritance) within 10 years from the date of such distribution; and

(C) The distributee, at such time and in such manner as the Franchise Tax Board by regulations prescribes, files an agreement to notify the Franchise Tax Board of any acquisition described in clause (B) and to retain such records as may be necessary for the application of this section.

If the distributee acquires such an interest in the corporation (other than by bequest or inheritance) within 10 years from the date of the distribution, then the periods of limitation provided in Sections 18586 and 18831 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such acquisition, include one year immediately following the date on which the distributee (in accordance with regulations prescribed by the Franchise Tax Board) notifies the Franchise Tax Board of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(2) Subsection (b)(1) shall not apply if—

(A) Any portion of the stock redeemed was acquired, directly or indirectly, within the 10-year period ending on the date of the distribution by the distributee from a person the ownership of whose stock would (at the time of distribution) be attributable to the distributee under Section 17384; or

(B) Any person owns (at the time of the distribution) stock the ownership of which is attributable to the distributee under Section 17384 and such person acquired any stock in the corporation, directly or indirectly, from the distributee within the 10-year period ending on the date of the distribution, unless such stock so acquired from the distributee is redeemed in the same transaction.

The preceding sentence shall not apply if the acquisition (or, in the case of clause (B), the disposition) by the distributee did not have as one of its principal purposes the avoidance of income tax.

SEC. 4. Section 17328 of the Revenue and Taxation Code is amended to read:

Redemption as property distribution

17328. Except as otherwise provided in this chapter, if a corporation redeems its stock (within the meaning of Section 17383(b)), and if Section 17325 does not apply, such redemption shall be treated as a distribution of property to which Sections 17321 to 17324, inclusive, apply.

SEC. 5. Section 17332 of the Revenue and Taxation Code is amended to read:

Same

17332. (a) For purposes of Section 17325 to 17329, inclusive, if—

(1) One or more persons are in control of each of two corporations; and

(2) In return for property, one of the corporations acquires stock in the other corporation from the person (or persons) so in control;

then (unless subsection (b) applies) such property shall be treated as a distribution in redemption of the stock of the corporation acquiring such stock. In any such case, the stock so acquired shall be treated as having been transferred by the person from whom acquired, and as having been received by the corporation acquiring it, as a contribution to the capital of such corporation.

(b) For the purposes of Sections 17325 to 17329, inclusive, if—

(1) In return for property, one corporation acquires from a shareholder of another corporation stock in such other corporation; and

(2) The issuing corporation controls the acquiring corporation; then such property shall be treated as a distribution in redemption of the stock of the issuing corporation.

SEC. 6. Section 17338 of the Revenue and Taxation Code is amended to read:

Limitations

17338. Section 17337 shall not apply—

(a)(1) If the disposition—

(A) Is not a redemption;

(B) Is not, directly or indirectly to a person the ownership of whose stock would (under Section 17384) be attributable to the shareholder; and

(C) Terminates the entire stock interest of the shareholder in the corporation (and for purposes of this clause, Section 17384 shall apply).

(2) If the disposition is a redemption and Section 17326(c) applies.

(b) If the "Sections 17337 to 17344 stock" is redeemed in a distribution in partial or complete liquidation to which Articles 4 and 5 (Sections 17401 and following) apply.

(c) To the extent that, under any provision of this part, gain or loss to the shareholder is not recognized with respect to the disposition of the "Sections 17337 to 17344 stock."

(d) If it is established to the satisfaction of the Franchise Tax Board—

(1) That the distribution, and the disposition or redemption, or

(2) In the case of a prior or simultaneous disposition (or redemption) of the stock with respect to which the "Sections 17337 to 17344 stock" disposed of (or redeemed) was issued, that the disposition (or redemption) of the "Sections 17337 to 17344 stock," was not in pursuance of a plan having as one of its principal purposes the avoidance of income tax.

SEC. 7. Section 17361 of the Revenue and Taxation Code is amended to read:

17361. (a) Except as otherwise provided in this section and Sections 17362 to 17364, inclusive, on the distribution of property by a corporation with respect to its stock, the earnings and profits of the corporation (to the extent thereof) shall be decreased by the sum of— Distribution of property Earnings and profits

(1) The amount of money,

(2) The principal amount of the obligations of such corporation, and

(3) The adjusted basis of the other property, so distributed.

(b)(1) On the distribution by a corporation, with respect to its stock, of inventory assets (as defined in paragraph (2)(A)) the fair market value of which exceeds the adjusted basis thereof, the earnings and profits of the corporation—

(A) Shall be increased by the amount of such excess; and

(B) Shall be decreased by whichever of the following is the lesser:

(i) The fair market value of the inventory assets distributed, or

(ii) The earnings and profits (as increased under subparagraph (A)).

(2)(A) For purposes of paragraph (1), the term "inventory assets" means—

(i) Stock in trade of the corporation, or other property of a kind which would properly be included in the inventory of the corporation if on hand at the close of the taxable year;

(ii) Property held by the corporation primarily for sale to customers in the ordinary course of its trade or business; and

(iii) Unrealized receivables or fees, except receivables from sale or exchanges of assets other than assets described in this subparagraph.

(B) For purposes of subparagraph (A)(iii), the term "unrealized receivables or fees" means, to the extent not previously includible in income under the method of accounting used by the corporation, any rights (contractual or otherwise) to payment for—

(i) Goods delivered, or to be delivered, to the extent that the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(ii) Services rendered or to be rendered.

(c) In making the adjustments to the earnings and profits of a corporation under subsection (a) or (b), proper adjustment shall be made for—

(1) The amount of any liability to which the property distributed is subject,

(2) The amount of any liability of the corporation assumed by a shareholder in connection with the distribution, and

(3) Any gain to the corporation recognized under Section 24482 or 24483 of the Bank and Corporation Tax Law.

(d) The distribution to a distributee by or on behalf of a corporation of its stock or securities, of stock or securities in another corporation, or of property, in a distribution to which this part applies, shall not be considered a distribution of the earnings and profits of any corporation—

(1) If no gain to such distributee from the receipt of such stock or securities, or property, was recognized under this part; or

(2) If the distribution was not subject to tax in the hands of such distributee by reason of Section 17335(a).

(e) In the case of a distribution of stock or securities, or property, to which Section 17162 of the Personal Income Tax Law of 1954 (or the corresponding provision of prior law) applied, the effect on earnings and profits of such distribution shall be determined under such Section 17162, or the corresponding provision of prior law, as the case may be.

"Stock or securities"

(f) For purposes of this section, the term "stock or securities" includes rights to acquire stock or securities.

SEC. 8. Section 17435 of the Revenue and Taxation Code is amended to read:

Property received in exchange

17435. (a) If—

(1) Section 17432 or 17434 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 17432 or 17434 to be received without the recognition of gain, but also of other property or 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.

(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 9. Section 17437 of the Revenue and Taxation Code is amended to read:

Same

17437. If—

(a) Section 17432 would apply to an exchange, or Section 17434 applies 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

17432 or 17434 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. 10. Section 17438 of the Revenue and Taxation Code is amended to read:

"Other property"

17438. For purposes of Sections 17435 to 17439, inclusive,

(a) Except as provided in subsection (b), the term "other property" includes securities.

(b) (1) The term "other property" does not include securities to the extent that, under Section 17432 or 17434, such securities would be permitted to be received without the recognition of gain.

(2) If—

(A) In an exchange described in Section 17432, securities of a corporation, a party to the reorganization, are surrendered and securities of any corporation, a party to the reorganization, are received, and

(B) 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 (3), if no securities are surrendered, the excess shall be the entire principal amount of the securities received.

(3) If, in an exchange or distribution described in Section 17434, 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. 11. Section 17835 of the Revenue and Taxation Code is amended to read:

Decedents' deductions

17835. The amount of any deduction specified in Section 17202, 17203, 17204, 17252, or 17681 (relating to deductions for expenses, interest, taxes, and depletion) in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed:

(a) In the case of a deduction specified in Section 17202, 17203, 17204, or 17252 in the taxable year when paid to the estate of the decedent; except that if the estate of the decedent is not liable to discharge the obligation to which the deduction relates, to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to such obligation, from the decedent an interest in property of the decedent.

(b) In the case of the deduction specified in Section 17681, to the person described in Section 17831(a), (b), or (c) who, in the manner described therein, receives the income to which

the deduction relates, in the taxable year when such income is received.

SEC. 12. Section 18045 of the Revenue and Taxation Code is amended to read:

Property of decedents

18045. For purposes of Section 18044, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of decedents dying after April 8, 1953, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under Chapter 3 of the California Inheritance Tax Law.

(f) In the case of decedents dying after December 31, 1952, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under the California Inheritance Tax Law.

(g) In the case of decedents dying after December 31, 1954, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or nonexercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's estate under Division 2, Part 8 of the Revenue and Taxation Code. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under Section 18044 reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this part or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property

commencing on the death of the decedent. This paragraph shall not apply to—

(A) Property described in any other subsection of this section.

SEC. 13. Section 18099 of the Revenue and Taxation Code is amended to read:

Theft, etc of property

18099. (a) For purposes of Sections 18091 to 18098, inclusive, the destruction, theft, seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof—

(1) If occurring after December 31, 1952, and before January 1, 1955, shall be treated as the sale of such property; and

(2) If occurring after December 31, 1954, shall not be treated as the sale of such property.

(b) For treatment of residences involuntarily converted after December 31, 1954, see Sections 18082 to 18088, inclusive (relating to involuntary conversions).

SEC. 14. Section 18165 of the Revenue and Taxation Code is amended to read:

Holding period for stock, etc

18165. In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under Sections 18131 and 18132 (or under Section 112(g) of the Revenue Act of 1928, 45 Stat. 818, or the Revenue Act of 1932, 48 Stat. 705), there shall be included the period for which he held the stock or securities in the distributing corporation before the receipt of the stock or securities on such distribution.

SEC. 15. Section 18182 of the Revenue and Taxation Code is amended to read:

"Property used in trade or business"

18182. (a) For the purposes of Section 18181, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Section 17208 and real property used in the trade or business, which is not:

(1) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year; or

(2) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business; or

(3) A copyright, a literary, musical or artistic composition, or similar property, held by a taxpayer described in Section 18161(c).

(b) Such term also includes timber with respect to which Sections 17711 and 17712 are applicable. Such term also includes livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition. It does not include poultry.

(c) In the case of an unharvested crop on land used in the trade or business and held for more than one year, if the

crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in Section 18181) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

SEC. 16. Section 18202 of the Revenue and Taxation Code is amended to read:

Assignment re future profits, etc

18202. Amounts received from the assignment or release by an employee, after more than 20 years' employment, of all his rights to receive, after termination of his employment and for a period of not less than five years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than two years but not more than five years, if—

(a) Such rights were included in the terms of the employment of such employee for not less than 12 years;

(b) Such rights were included in the terms of the employment of such employee before June 6, 1955, and

(c) The total of the amounts received for such assignment or release is received in one taxable year and after the termination of such employment.

Tax levy

SEC. 17. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect.

CHAPTER 161

An act to amend Sections 18686, 18687, 18688, and 18689 of, and to add Sections 18692 and 18693 to Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 18686 of the Revenue and Taxation Code is amended to read:

Rate of interest

18686. (a) If the tax imposed by this part, whether assessed by the Franchise Tax Board or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon the unpaid amount at the rate of 6 percent per year from the date prescribed for its payment until it is paid.

When tax due

(b) If under Section 18552 an election has been made to pay the tax in installments, and any installment thereof is not paid on or before the date fixed for its payment, the whole amount of tax unpaid, with penalties and interest as prescribed in Article 5 of Chapter 18, computed from the due date of the delinquent installment shall immediately become due and payable.

SEC. 2. Section 18687 of the Revenue and Taxation Code is amended to read:

18687. If the time for the payment of the tax or any installment thereof is extended, interest thereon shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid. Extension Rate of interest

SEC. 3. Section 18688 of the Revenue and Taxation Code is amended to read:

18688. Interest upon the amount assessed as a deficiency shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid. Interest on deficiency

SEC. 4. Section 18689 of the Revenue and Taxation Code is amended to read:

18689 Interest shall be imposed under Article 5 of Chapter 18 in respect of any assessable penalty only if such assessable penalty is not paid within 10 days from the date of notice and demand therefor, and in such case interest shall be imposed only for the period from the date of the notice and demand to the date of payment. Interest on penalty

SEC. 5. Section 18692 is added to the Revenue and Taxation Code, to read:

18692 If notice and demand is made for payment of any amount, and if such amount is paid within 10 days after the date of such notice and demand, interest under this article on the amount so paid shall not be imposed for the period after the date of such notice and demand. Notice and demand

SEC. 6. Section 18693 is added to the Revenue and Taxation Code, to read:

18693. No interest under this article shall be imposed on the interest provided by this article. Limitation

SEC. 7. The provisions of this act shall become operative on January 1, 1958. Operative date

---

CHAPTER 162

An act to amend and renumber Section 18215 of, and to add Section 18245 to, and Article 8, comprising Sections 18145 to 18147, inclusive, to Chapter 13 of Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect immediately

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

SECTION 1. Section 18245 of the Revenue and Taxation Code is amended and renumbered to read:

Scope of provisions

18246. (a) For purposes of this article, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it should be considered as a month.

(b) For the purpose of computing the tax attributable to the amount of an item of gross income allocable under this article to a particular taxable year, such amount shall be considered income only of the person who would be required to include the item of gross income in a separate return filed for the taxable year in which such item was received or accrued.

(c) Subsection (c) of Section 18241 and subsection (b) of this section shall apply only to amounts received or accrued after December 31, 1954. Notwithstanding any other provision of this part, Sections 17054 to 17059, inclusive, of the Personal Income Tax Law of 1954 shall apply to amounts received or accrued as a partner on or before December 31, 1954, under this section and to the computation of tax on amounts received or accrued on or before December 31, 1954.

SEC. 2. Section 18245 is added to the Revenue and Taxation Code, to read:

Compensatory damages

18245. If an amount representing compensatory damages is received or accrued by a taxpayer during a taxable year as the result of an award in a civil action for infringement of a patent issued by the United States, then the tax attributable to the inclusion of such amount in gross income for the taxable year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during which such infringement occurred.

SEC. 3. Article 8 is added to Chapter 13 of Part 10 of Division 2 of the Revenue and Taxation Code, to read:

Article 8. Distributions Pursuant to Bank Holding Company Act of 1956

Distributions: Prohibited property

18145. (a) (1) If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which subsection (c)(2) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If—

Stock or securities

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(2) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (b).

Limitation

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which has the effect of the payment of compensation, see Section 17071(a)(1).

(b) (1) If—

Distributions: Property

(A) A qualified bank holding corporation distributes property (other than stock received in an exchange to which subsection (c)(3) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such

corporation did control a bank or a bank holding company before any property of the same kind was distributed under this subsection or exchanged under subsection (c)(3); and

(ii) The distribution is necessary or appropriate to effectuate the policies of such act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

Stock or securities

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(3) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

Limitation

(4) This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which has the effect of the payment of compensation, see Section 17071(a)(1).

Exceptions

(c) (1) Except as provided in paragraphs (2) and (3), subsection (a) or (b) shall not apply to—

(A) Any property acquired by the distributing corporation after May 15, 1955, unless (i) gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b), or (ii) such property was received by it in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) such property was acquired by the distributing corporation in a transaction in which gain was not recognized under Section 24463(a) or

Section 24502, or under Section 24531 with respect to a reorganization described in Section 24562(a)(5) or (6) of Part 11, Division 2 of this code, or

(B) Any property which was acquired by the distributing corporation in a distribution with respect to stock acquired by such corporation after May 15, 1955, unless such stock was acquired by such corporation (i) in a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b), or (ii) in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies or (iii) in a transaction in which gain was not recognized under Section 24463 or Section 24502, or under Section 24531 with respect to a reorganization described in Section 24562(a)(5) or (6) of Part 11, Division 2 of this code, or

(C) Any property acquired by the distributing corporation in a transaction in which gain was not recognized under Section 24502 of Part 11, Division 2 of this code, unless such property was acquired from a corporation which, if it had been a qualified bank holding corporation, could have distributed such property under subsection (a)(1) or (b)(1).

(2) If—

(A) Any qualified bank holding corporation exchanges (i) property, which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except property described in subsection (b)(1)(B)(i)), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (a)(2)(A); and

(C) Before such exchange, the board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956,

then paragraph (1) shall not apply with respect to such distribution.

(3) If—

(A) Any qualified bank holding corporation exchanges (i) property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a

second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2)(A); and

(C) Before such exchange, the board has certified (with respect to the property exchanged which consists of property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under subsection (b)(1) or exchanged under this paragraph; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such act,

then paragraph (1) shall not apply with respect to such distribution.

(d) (1) Subsection (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) Subsection (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than property described in subsection (b)(1)(B)(i)) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(3) In the case of a distribution a portion of which is attributable to a transfer which is a contribution to the capital of a corporation, made after May 15, 1955, and prior to May 9, 1956, if subsection (a) or (b) would apply to such distribution but for the fact that, under paragraph (1) or (2) (as the case may be) of this subsection, such contribution to capital is part of a plan one of the principal purposes of which is to distribute the earnings and profits of any corporation, then, notwithstanding paragraph (1) or (2), subsection (a) or (b) (as the case may be) shall apply to that portion of such distribution not attributable to such contribution to capital, and shall not apply to that portion of such distribution attributable to such contribution to capital.

(e) (1) Subsection (a) shall not apply with respect to any distribution by a corporation unless the board certifies that, before the expiration of the period permitted under Section

4(a) of the Bank Holding Company Act of 1956 (including any extensions thereof granted to such corporation under such Section 4(a)), the corporation has disposed of all the property the disposition of which is necessary or appropriate to effectuate Section 4 of such act (or would have been so necessary or appropriate if the corporation had continued to be a bank holding company).

(2) (A) Subsection (b) shall not apply with respect to any distribution by any corporation unless the board certifies that, before the expiration of the period specified in subparagraph (B), the corporation has ceased to be a bank holding company.

(B) The period referred to in subparagraph (A) is the period which expires on May 10, 1958, or two years after the date on which the corporation becomes a bank holding company, whichever date is later, unless the board on application by any corporation, extends such period with respect to such corporation; except that such period may not in any case be extended beyond May 10, 1961, or five years after the date on which the corporation becomes a bank holding company, whichever date is later.

(f) In the case of an exchange described in subsection (a)(2)(A)(iv) or subsection (b)(2)(A)(iv), subsection (a) or subsection (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

Determination of basis

18146. (a) If, by reason of Section 18145, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Franchise Tax Board—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

Periods of limitation

(b) The periods of limitation provided in Sections 18586 and 18831 (relating to limitations on assessment and collection) shall not expire, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of property by shareholders in a distribution which

is certified by the board under subsection (a), (b), or (c) of Section 18145, until five years after the distributing corporation notifies the Franchise Tax Board (in such manner and with such accompanying information as the Franchise Tax Board may by regulations prescribe) that the period (including extensions thereof) prescribed in Section 4(a) of the Bank Holding Company Act of 1956, or Section 18145(e)(2)(B), whichever is applicable, has expired; and such assessment may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment.

Earnings and profits

(c) (1) In the case of a distribution by a qualified bank holding corporation under Section 18145 (a)(1) or (b)(1) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Franchise Tax Board.

(2) In the case of any exchange described in Section 18145(c)(2) or (3), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Franchise Tax Board.

"Controlled corporation"

(3) For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation.

Property specification and itemization

(d) In any certification under this part, only such specification and itemization of property as made by the board for the purpose of carrying out the provisions of the Bank Holding Company Act of 1956 (P. L. 511, 84th Cong., 2d Sess.), shall be sufficient for carrying out the provisions of this part.

Definitions

18147. (a) For purposes of this article, the term "bank holding company" has the meaning assigned to such term by Section 2 of the Bank Holding Company Act of 1956.

(b) (1) Except as provided in paragraph (2), for purposes of this article the term "qualified bank holding corporation" means any corporation (as defined in Section 17009) which is a bank holding company and which holds prohibited property acquired by it—

(A) On or before May 15, 1955,

(B) In a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of Section 18145, or

(C) In exchange for all of its stock in an exchange described in Section 18145(c)(2) or (c)(3).

(2) (A) A bank holding company shall not be a qualified bank holding corporation, unless it would have been a bank holding company on May 15, 1955, if the Bank Holding Com-

pany Act of 1956 had been in effect on such date, or unless it is a bank holding company determined solely by reference to—

(i) Property acquired by it on or before May 15, 1955,

(ii) Property acquired by it in a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of Section 18145, and

(iii) Property acquired by it in exchange for all of its stock in exchange described in Section 18145(c)(2) or (3).

(B) A bank holding company shall not be a qualified bank holding corporation by reason of property described in subparagraph (B) of paragraph (1) or clause (ii) of subparagraph (A) of this paragraph, unless such property was acquired in a distribution with respect to stock, which stock was acquired by such bank holding company—

(i) On or before May 15, 1955,

(ii) In a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b) of Section 18145, or

(iii) In exchange for all of its stock in an exchange described in Section 18145(c)(2) or (3).

(C) A corporation shall be treated as a qualified bank holding corporation only if the board certifies under the Bank Holding Company Act of 1956 (P. L. 511, 84th Cong., 2d Sess.), that it satisfies the requirements of Section 1103(a) and (b) of the Internal Revenue Code of 1954.

(c) For purposes of this article, the term "prohibited property" means, in the case of any bank holding company, property (other than nonexempt property) the disposition of which would be necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 if such company continued to be a bank holding company beyond the period (including any extensions thereof) specified in subsection (a) of such section or in Section 18145(e)(2)(B) of this article, as the case may be. The term "prohibited property" does not include shares of any company held by a bank holding company to the extent that the prohibitions of Section 4 of the Bank Holding Company Act of 1956 do not apply to the ownership by such bank holding company of such property by reason of subsection (c)(5) of such section.

(d) For purposes of this article, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(e) For purposes of this article, the term "board" means the Board of Governors of the Federal Reserve System.

Tax levy

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 163

An act to repeal Section 23303 of, and to add Sections 23303 and 25962.1 to, Part 11 of Division 2 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

Repeal

SECTION 1. Section 23303 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 23303 is added to the Revenue and Taxation Code, to read:

Banks, etc., subject to tax

23303. Notwithstanding the provisions of Section 23301, any bank or corporation which transacts business or receives income within the period of its suspension or forfeiture shall be subject to tax under the provisions of this chapter.

SEC. 3. Section 25962.1 is added to the Revenue and Taxation Code, to read:

Penalty

25962.1. Any person who attempts or purports to exercise the powers, rights and privileges of a bank or corporation which has been suspended pursuant to Section 23301 or who transacts or attempts to transact intrastate business in this State on behalf of a foreign bank or corporation, the rights and privileges of which have been forfeited pursuant to said section, is punishable by a fine of not less than two hundred fifty dollars ($250) and not exceeding one thousand dollars ($1,000), or by imprisonment not exceeding one year, or both fine and imprisonment.

Tax levy

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 164

An act to repeal Section 24637 of, and to amend Sections 23058, 23735c, 24357, 24532, 24541, 24553, 24574, 24631, 24703, and 24916 of Part 11 of Division 2 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, and providing that this act shall take effect immediately.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect immediately

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

SECTION 1. Section 24637 of Part 11 of Division 2 of the Revenue and Taxation Code is repealed. Repeal

SEC. 2. Section 23058 of the Revenue and Taxation Code is amended to read:

23058. Unless otherwise specifically provided the provisions of any law effecting changes in the computation of taxes shall be applied only in the computation of taxes for income years beginning after December 31st of the year preceding enactment and the remaining provisions of any such law shall become effective on the date it becomes law. Application of law re computation of taxes

SEC. 3. Section 23735c of the Revenue and Taxation Code is amended to read:

23735c. In computing under Section 23732 the unrelated business net income for any taxable year— Unrelated business net income

(1) There shall be included with respect to each Article 2 lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 percent) of the total rents derived during the taxable year under such lease as (A) the Article 2 lease indebtedness, at the close of the taxable year, with respect to the premises covered by such lease is of (B) the adjusted basis, at the close of the taxable year, of such premises.

(2) There shall be allowed with respect to each Article 2 lease, as a deduction to be taken into account in computing unrelated business net income, an amount which is in the same percentage (but not in excess of 100 percent) of the sum determined under paragraph (3) as the amount determined under clause (A) of paragraph (1) is of the amount determined under clause (B) of such paragraph.

(3) The sum referred to in paragraph (2) is the sum of the following deductions allowable under Article 1, Chapter 7:

(A) Taxes and other expenses paid or accrued during the taxable year upon or with respect to the real property subject to the Article 2 lease.

(B) Interest paid or accrued during the taxable year on the Article 2 lease indebtedness.

(C) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the Article 2 lease, there shall be taken into account under subparagraph (A), (B), or (C) only those amounts which are properly allocable to the premises covered by such lease.

SEC. 4. Section 24357 of the Revenue and Taxation Code is amended to read:

Deduction for contributions or gifts

24357. There shall be allowed as a deduction contributions or gifts payment of which is made within the income year to or for the use of:

(a) The United States, any state, territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes; or

(b) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any state or territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children or animals (but in the case of contributions or gifts to a trust, chest, fund, or foundation, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation. For disallowance of certain charitable, etc., deductions, otherwise allowable under this subsection, see Section 24359; or

(c) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(d) A corporation or organization which is organized in the United States or any of its possessions by or for members of the armed forces of the United States for the purpose of aiding or assisting members of such forces or their relatives if no part of the net earnings of such corporation or organization inures to the benefit of any private shareholder or individual.

Limitation

(e) The amount of aggregate deductions allowable under subsections (a), (b), (c), and (d) of this section is limited to the extent it does not exceed 5 percent of the taxpayer's net income as computed without the benefits of this subsection.

Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Franchise Tax Board.

SEC. 5. Section 24532 of the Revenue and Taxation Code is amended to read:

24532. (a) If—

Recognition of gain or loss on distributions

(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)).

Limitations

(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.

SEC. 6. Section 24541 of the Revenue and Taxation Code is amended to read:

Basis of property on exchange

24541. (a) In the case of an exchange to which Section 24521, 24531, 24532, 24533, 24535, 24551, or 24572 apply—

(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.

Allocation of basis

(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.

Application

(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. 7. Section 24553 of the Revenue and Taxation Code is amended to read:

Basis

24553. If property was acquired by a corporation in connection with a reorganization to which this chapter applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. This section shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

SEC. 8. Section 24574 of the Revenue and Taxation Code is amended to read:

Assumption of liability

24574. In the case of a transaction described in Sections 24571 to 24573, inclusive, involving an assumption of a liability or the acquisition of property subject to a liability, the rules provided in Section 24540 shall apply.

SEC. 9. Section 24631 of the Revenue and Taxation Code is amended to read:

Definitions

24631. (a) Income shall be computed on the basis of the taxpayer's income year.

(b) For purposes of this part, the term "income year" means—

(1) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(2) The calendar year, if subsection (g) applies; or

(3) The period for which the return is made, if a return is made for a period of less than 12 months.

(c) For purposes of this part, the term "annual accounting period" means the annual period on the basis of which the taxpayer regularly computes its income in keeping its books.

(d) For purposes of this part, the term "calendar year" means a period of 12 months ending on December 31st.

(e) For purposes of this part, the term "fiscal year" means a period of 12 months ending on the last day of any month other than December. In the case of any taxpayer who has made the election provided by subsection (f), the term means the annual period (varying from 52 to 53 weeks) so elected.

(f) (1) A taxpayer who, in keeping its books, regularly computes its income on the basis of an annual period which varies from 52 to 53 weeks and ends always on the same day of the week and ends always—

(A) On whatever date such same day of the week last occurs in a calendar month, or

(B) On whatever date such same day of the week falls which is nearest to the last day of a calendar month,

may (in accordance with the regulations prescribed under paragraph (3)) elect to compute its income for purposes of this

part or the basis of such annual period. This paragraph shall apply to income years ending after December 31, 1954.

(2) (A) In any case in which the effective date or the applicability of any provision of this part is expressed in terms of income years beginning or ending with reference to a specified date which is the first or last day of a month, an income year described in paragraph (1) shall be treated—

(i) As beginning with the first day of the calendar month beginning nearest to the first day of such income year, or

(ii) As ending with the last day of the calendar month ending nearest to the last day of such income year, as the case may be.

(B) In the case of a change from or to an income year described in paragraph (1)—

(i) If such change results in a short period (within the meaning of Section 24634) of 359 days or more, or less than seven days, Section 24636 shall not apply;

(ii) If such change results in a short period of less than seven days, such short period shall, for purposes of this part, be added to and deemed a part of the following income year; and

(iii) If such change results in a short period to which Section 24634 applies, the income for such short period shall be placed on an annual basis for purposes of such subsection by multiplying such income by 365 and dividing the result by the number of days in a short period, and the tax shall be the same part of the tax computed on the annual basis as the number of days in the short period is of 365 days.

(3) The Franchise Tax Board shall prescribe such regulations as it deems necessary for the application of this subsection.

(g) Except as provided in Section 24634 (relating to returns for periods of less than 12 months), the taxpayer's income year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period; or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year.

SEC. 10. Section 24703 of the Revenue and Taxation Code is amended to read:

Method of inventorying goods

24703. In inventorying goods specified in the application described in Section 24702, the taxpayer shall:

(a) Treat those remaining on hand at the close of the income year as being: first, those included in the opening inventory of the income year (in order of acquisition) to the extent thereof; and second, those acquired in the income year;

(b) Inventory them at cost; and

(c) Treat those included in the opening inventory of the income year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

SEC. 11. Section 24916 of the Revenue and Taxation Code is amended to read:

24916. Proper adjustment in respect of the property shall in all cases be made— Adjustments

(a) For expenditures, receipts, losses, or other items properly chargeable to capital account, but no such adjustment shall be made for taxes or other carrying charges or for expenditures described in Section 24364 and Section 24369 for which deductions have been taken by the taxpayer in determining net income for the income year or prior income years;

(b) For exhaustion, wear and tear, obsolescence, amortization, and depletion:

(1) In the case of taxpayers subject to the tax imposed by Chapter 2, to the extent sustained prior to January 1, 1928, and to the extent allowed (but not less than the amount allowable) under this part, except that no deduction shall be made for amounts in excess of the amount which would have been allowable had depreciation not been computed on the basis of January 1, 1928, value and amounts in excess of the adjustments required by Section 113(b)(1)(B) of the Federal Revenue Act of 1938 for depletion prior to January 1, 1932.

(2) In the case of a taxpayer subject to the tax imposed by Chapter 3, to the extent sustained prior to January 1, 1937, and for periods thereafter to the extent allowed (but not less than the amount allowable) under the provisions of this part.

(3) If a taxpayer has not claimed an amortization deduction for an emergency facility, the adjustment under paragraph (1) shall be made only to the extent ordinarily provided under Sections 24349, and 24372.

(c) In the case of stock (to the extent not provided for in the foregoing subsections) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation under the provisions of the Federal Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of Section 218 of the Federal Revenue Act of 1918 or 1921).

(d) (1) In the case of taxpayers subject to the tax imposed by Chapter 2, in the case of any bond (as defined in Section 24363) to the extent of the deductions allowable pursuant to Section 24360 with respect thereto.

(2) In the case of taxpayers subject to the tax imposed by Chapter 3, in the case of any bond (as defined in Section 24363) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 24361, and in the case of any other bond (as defined in Section 24363) to the extent of the deductions allowable pursuant to Section 24361 with respect thereto.

(3) In the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to Section 24273, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability.

(e) Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 24836 (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

(f) Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 24837 (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

Tax levy

SEC. 12. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 165

An act to amend Sections 25901, 25901a, 25901b, and 25901c of, and to add Sections 25903 and 25904 to Part 11 of Division 2 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 25901 of the Revenue and Taxation Code is amended to read:

Rate of interest

25901. If the tax imposed by this part, whether determined by the Franchise Tax Board or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon such unpaid amount at the rate of 6 percent per year from the date prescribed for its payment until it is paid.

SEC. 2. Section 25901a of the Revenue and Taxation Code is amended to read:

Same. Where payment extended

25901a. If the time for the payment of the tax or any installment thereof is extended interest thereon shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid.

SEC. 3. Section 25901b of the Revenue and Taxation Code is amended to read:

25901b. Interest upon the amount determined as a deficiency shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date prescribed for the payment of the tax or, if the tax is paid in installments, from the date prescribed for the payment of the first installment, until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid. Interest on deficiency

SEC. 4. Section 25901c of the Revenue and Taxation Code is amended to read:

25901c. Interest shall be imposed under Article 1 of Chapter 21 in respect of any assessable penalty only if such assessable penalty is not paid within 10 days from the date of notice and demand therefor, and in such case interest shall be imposed only for the period from the date of the notice and demand to the date of payment. Interest on penalty

SEC. 5. Section 25903 is added to the Revenue and Taxation Code, to read:

25903. If notice and demand is made for payment of any amount, and if such amount is paid within 10 days after the date of such notice and demand, interest under this article on the amount so paid shall not be imposed for the period after the date of such notice and demand. Notice and demand

SEC. 6. Section 25904 is added to the Revenue and Taxation Code, to read:

25904. No interest under this article shall be imposed on the interest provided by this article. Limitation

SEC. 7. This act shall become operative on January 1, 1958. Operative date

---

CHAPTER 166

An act to amend Sections 24540, 24576, 24577 and 24307 of, and to add Sections 24578 and 24675 to, and Article 6, comprising Sections 24999, 24999.1, and 24999.2, to Chapter 15 of Part 11 of Division 2 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, and providing that this act shall take effect immediately.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect immediately

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

SECTION 1. Section 24540 of the Revenue and Taxation Code is amended to read:

24540. (a) Except as provided in subsections (b) and (c), if— Assumption of liability. Treatment

(1) The taxpayer receives property which would be permitted to be received under Section 24521, 24551,

24571 or 24578 without the recognition of gain if it were the sole consideration; and

(2) As part of the consideration, another party to the exchange assumes a liability of the taxpayer, or acquires from the taxpayer property subject to a liability;

then such assumption or acquisition shall not be treated as money or other property, and shall not prevent the exchange from being within the provisions of Section 24521, 24551, 24571 or 24578, as the case may be.

(b) (1) If, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition described in subsection (a)—

(A) Was a purpose to avoid tax under this part on the exchange; or

(B) If not such purpose, was not a bona fide business purpose;

then such assumption or acquisition (in the total amount of the liability assumed or acquired pursuant to such exchange) shall, for the purposes of Section 24521, 24551, 24571 or 24578 (as the case may be), be considered as money received by the taxpayer on the exchange.

(2) In any suit or proceeding where the burden is on the taxpayer to prove such assumption or acquisition is not to be treated as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(c) (1) In the case of an exchange—

(A) To which Section 24521 applies; or

(B) To which Section 24551 applies by reason of a plan of reorganization within the meaning of Section 24562 (a)(4),

if the sum of the amount of the liabilities assumed, plus the amount of the liabilities to which the property is subject, exceeds the total of the adjusted basis of the property transferred pursuant to such exchange, then such excess shall be considered as a gain from the sale or exchange of a capital asset or of property which is not a capital asset, as the case may be.

Limitations

(2) Paragraph (1) shall not apply to any exchange to which—

(A) Subsection (b)(1) of this section applies; or

(B) Sections 24571 to 24574, inclusive, or 24578, apply.

SEC. 2. Section 24576 of the Revenue and Taxation Code is amended to read:

Transfer of railroad property

24576. No loss shall be recognized if property of a railroad corporation, as defined in Section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U. S. C. 205), is transferred before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(a) In a receivership proceeding; or

(b) In a proceeding under Section 77 of the Bankruptcy Act, to a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding.

SEC. 3. Section 24577 of the Revenue and Taxation Code is amended to read:

Same Basis

24577. (a) If the property of a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) was acquired after December 31, 1942, and before August 1, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(1) In a receivership proceeding; or

(2) In a proceeding under Section 77 of the Bankruptcy Act, and the acquiring corporation is a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired.

(b) If the property of any street, suburban, or interurban electric railway corporation engaged as a common carrier in the transportation of persons or property in interstate commerce was acquired after December 31, 1942, in pursuance of an order of the court having jurisdiction of such corporation in a proceeding under Section 77B of the Bankruptcy Act (48 Stat. 912), and the acquiring corporation is a street, suburban, or interurban electric railway engaged as a common carrier in the transportation of persons or property in interstate commerce, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, then, notwithstanding the provisions of Section 270 of the Bankruptcy Act (52 Stat. 904; 11 U. S. C. 670), the basis shall be the same as it would be in the hands of the corporation whose property was so acquired.

SEC. 4. Section 24307 of the Revenue and Taxation Code is amended to read:

Gross income
Discharge of indebtedness

24307. (a) No amount shall be included in gross income by reason of the discharge, in whole or in part, within the income year, of any indebtedness for which the taxpayer is liable, or subject to which the taxpayer holds property, if—

(1) The indebtedness was incurred or assumed—

(A) By a corporation; or

(B) By an individual in connection with property used in his trade or business; and

(2) Such taxpayer makes and files a consent to the regulations prescribed under Section 24918 (relating to adjustment of basis) then in effect at such time and in such manner as the Franchise Tax Board by regulations prescribes

In such case, the amount of any income of such taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred)

with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction.

(b) No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the income year, of any indebtedness of a railroad corporation, as defined in Section 77(m) of the Bankruptcy Act (11 U. S. C. 205(m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court in a receivership proceeding or in a proceeding under Section 77 of the Bankruptcy Act. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection (a) of this section shall not apply with respect to any discharge of indebtedness to which this subsection applies. This subsection shall not apply to any discharge occurring in an income year beginning after December 31, 1957.

SEC. 5. Section 24578 is added to the Revenue and Taxation Code, to read:

Railroad corporation property Gain or loss

24578. (a) (1) No gain or loss shall be recognized if property of a railroad corporation, as defined in Section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U. S. C. 205), is transferred after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(A) In a receivership proceeding, or

(B) In a proceeding under Section 77 of the Bankruptcy Act,

to another railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, in exchange solely for stock or securities in such other railroad corporation.

(2) If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by paragraph (1) to be received without the recognition of gain, but also of other property or money, then—

(A) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(B) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recog-

nized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(3) If an exchange would be within the provisions of paragraph (1) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Basis (b) If the property of a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) was acquired after July 31, 1955, in pursuance of an order of the court having jurisdiction of such corporation—

(1) In a receivership proceeding, or

(2) In a proceeding under Section 77 of the Bankruptcy Act,

and the acquiring corporation is a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act) organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired, increased in the amount of gain recognized under subsection (a)(2) to the transferor on such transfer.

Assumption of liability (c) In the case of a transaction involving an assumption of a liability or the acquisition of property subject to a liability, the rules provided in Section 24540 shall apply.

SEC. 6. Section 24675 is added to the Revenue and Taxation Code, to read:

Compensatory damages 24675. If an amount representing compensatory damages is received or accrued by a taxpayer during an income year as the result of an award in a civil action for infringement of a patent issued by the United States, then the tax attributable to the inclusion of such amount in gross income for the income year shall not be greater than the aggregate of the increases in taxes which would have resulted if such amount had been included in gross income in equal installments for each month during which such infringement occurred.

SEC. 7. Article 6 is added to Chapter 15 of Part 11 of Division 2 of the Revenue and Taxation Code, to read:

Article 6. Distributions Pursuant to Bank Holding Company Act of 1956

Distributions Prohibited property 24999 (a) (1) If—

(A) A qualified bank holding corporation distributes prohibited property (other than stock received in an exchange to which subsection (c)(2) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that the distribution of such prohibited property is necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

Stocks or securities

(2) If—

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(2) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(2) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

Limitation

(4) This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (b).

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which has the effect of the payment of compensation, see Section 24271(a)(1).

Distributions Property

(b) (1) If—

(A) A qualified bank holding corporation distributes property (other than stock received in an exchange to which subsection (c)(3) applies)—

(i) To a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) To a shareholder, in exchange for its preferred stock; or

(iii) To a security holder, in exchange for its securities; and

(B) The board has, before the distribution, certified that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under this subsection or exchanged under subsection (c)(3); and

(ii) The distribution is necessary or appropriate to effectuate the policies of such act,

then no gain to the shareholder or security holder from the receipt of such property shall be recognized.

(2) If— Stock or securities

(A) A qualified bank holding corporation distributes—

(i) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder (with respect to its stock held by such shareholder), without the surrender by such shareholder of stock in such corporation; or

(ii) Common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its common stock; or

(iii) Preferred stock or common stock received in an exchange to which subsection (c)(3) applies to a shareholder, in exchange for its preferred stock; or

(iv) Securities or preferred or common stock received in an exchange to which subsection (c)(3) applies to a security holder, in exchange for its securities; and

(B) Any preferred stock received has substantially the same terms as the preferred stock exchanged, and any securities received have substantially the same terms as the securities exchanged,

then, except as provided in subsection (f), no gain to the shareholder or security holder from the receipt of such stock or such securities or such stock and securities shall be recognized.

(3) Paragraphs (1) and (2) shall apply to a distribution whether or not the distribution is pro rata with respect to all of the shareholders of the distributing qualified bank holding corporation.

(4) This subsection shall not apply to any distribution by a corporation which has made any distribution pursuant to subsection (a). Limitation

(5) In the case of a distribution to which paragraph (1) or (2) applies, but which has the effect of the payment of compensation, see Section 24271(a)(1)

(c) (1) Except as provided in paragraphs (2) and (3), subsection (a) or (b) shall not apply to— Exceptions

(A) Any property acquired by the distributing corporation after May 15, 1955, unless (i) gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b), or (ii) such property was received by it in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) such property was acquired by the distributing corporation in a transaction in which gain was not recognized under Section 24463(a) or Section 24502, or under Section 24531 with respect to a reorganization described in Section 24562(a)(5) or (6), or

(B) Any property which was acquired by the distributing corporation in a distribution with respect to stock acquired by such corporation after May 15, 1955, unless such stock was acquired by such corporation (i) in a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b), or (ii) in exchange for all of its stock in an exchange to which paragraph (2) or (3) applies, or (iii) in a transaction in which gain was not recognized under Section 24463 or Section 24502, or under Section 24531 with respect to a reorganization described in Section 24562(a)(5) or (6), or

(C) Any property acquired by the distributing corporation in a transaction in which gain was not recognized under Section 24502, unless such property was acquired from a corporation which, if it had been a qualified bank holding corporation, could have distributed such property under subsection (a)(1) or (b)(1).

(2) If—

(A) Any qualified bank holding corporation exchanges (i) property, which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except property described in subsection (b)(1)(B)(i)), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (a)(2)(A); and

(C) Before such exchange, the board has certified (with respect to the property exchanged which consists of property which, under subsection (a)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that the exchange and distribution are necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956,

then paragraph (1) shall not apply with respect to such distribution.

(3) If—

(A) Any qualified bank holding corporation exchanges (i) property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain to such shareholders or security holders, and other property (except prohibited property), for (ii) all of the stock of a second corporation created and availed of solely for the purpose of receiving such property;

(B) Immediately after the exchange, the qualified bank holding corporation distributes all of such stock in a manner prescribed in subsection (b)(2)(A); and

(C) Before such exchange, the board has certified (with respect to the property exchanged which consists of property which, under subsection (b)(1), such corporation could distribute directly to its shareholders or security holders without the recognition of gain) that—

(i) Such property is all or part of the property by reason of which such corporation controls (within the meaning of Section 2(a) of the Bank Holding Company Act of 1956) a bank or bank holding company, or such property is part of the property by reason of which such corporation did control a bank or a bank holding company before any property of the same kind was distributed under subsection (b)(1) or exchanged under this paragraph; and

(ii) The exchange and distribution are necessary or appropriate to effectuate the policies of such act,

then paragraph (1) shall not apply with respect to such distribution.

(d) (1) Subsection (a) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than prohibited property) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(2) Subsection (b) shall not apply to a distribution if, in connection with such distribution, the distributing corporation retains, or transfers after May 15, 1955, to any corporation, property (other than property described in subsection (b)(1)(B)(i)) as part of a plan one of the principal purposes of which is the distribution of the earnings and profits of any corporation.

(3) In the case of a distribution a portion of which is attributable to a transfer which is a contribution to the capital of a corporation, made after May 15, 1955, and prior to May 9, 1956, if subsection (a) or (b) would apply to such distribution but for the fact that, under paragraph (1) or (2) (as the case may be) of this subsection, such contribution to capital is part of a plan one of the principal purposes of which is to distribute the earnings and profits of any corporation, then, notwithstanding paragraph (1) or (2), subsection (a) or (b) (as the case may be) shall apply to that portion of such dis-

tribution not attributable to such contribution to capital, and shall not apply to that portion of such distribution attributable to such contribution to capital.

(e) (1) Subsection (a) shall not apply with respect to any distribution by a corporation unless the board certifies that, before the expiration of the period permitted under Section 4 (a) of the Bank Holding Company Act of 1956 (including any extensions thereof granted to such corporation under such Section 4(a)), the corporation has disposed of all the property the disposition of which is necessary or appropriate to effectuate Section 4 of such act (or would have been so necessary or appropriate if the corporation had continued to be a bank holding company).

(2) (A) Subsection (b) shall not apply with respect to any distribution by any corporation unless the board certifies that, before the expiration of the period specified in subparagraph (B), the corporation has ceased to be a bank holding company.

(B) The period referred to in subparagraph (A) is the period which expires on May 10, 1958, or two years after the date on which the corporation becomes a bank holding company, whichever date is later, unless the board on application by any corporation, extends such period with respect to such corporation; except that such period may not in any case be extended beyond May 10, 1961, or five years after the date on which the corporation becomes a bank holding company, whichever date is later.

(f) In the case of an exchange described in subsection (a) (2)(A)(iv) or subsection (b)(2)(A)(iv), subsection (a) or subsection (b) (as the case may be) shall apply only to the extent that the principal amount of the securities received does not exceed the principal amount of the securities exchanged.

Determination of basis

24999.1. (a) If, by reason of Section 24999, gain is not recognized with respect to the receipt of any property, then, under regulations prescribed by the Franchise Tax Board—

(1) If the property is received by a shareholder with respect to stock, without the surrender by such shareholder of stock, the basis of the property received and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating between such property and such stock the adjusted basis of such stock; or

(2) If the property is received by a shareholder in exchange for stock or by a security holder in exchange for securities, the basis of the property received shall, in the distributee's hands, be the same as the adjusted basis of the stock or securities exchanged, increased by—

(A) The amount of the property received which was treated as a dividend, and

(B) The amount of gain to the taxpayer recognized on the property received (not including any portion of such gain which was treated as a dividend).

(b) The periods of limitation provided in Sections 25663 and 26251 (relating to limitations on assessment and collection) shall not expire, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of property by shareholders in a distribution which is certified by the board under subsection (a), (b), or (c) of Section 24999, until five years after the distributing corporation notifies the Franchise Tax Board (in such manner and with such accompanying information as the Franchise Tax Board may by regulations prescribe) that the period (including extensions thereof) prescribed in Section 4(a) of the Bank Holding Company Act of 1956, or Section 24999(e)(2)(B), whichever is applicable, has expired; and such assessment may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment. Periods of limitation

(c) (1) In the case of a distribution by a qualified bank holding corporation under Section 24999(a)(1) or (b)(1) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed by the Franchise Tax Board. Earnings and profits

(2) In the case of any exchange described in Section 24999(c)(2) or (3), proper allocation with respect to the earnings and profits of the corporation transferring the property and the corporation receiving such property shall be made under regulations prescribed by the Franchise Tax Board.

(3) For purposes of paragraph (1), the term "controlled corporation" means a corporation with respect to which at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock is owned by the distributing qualified bank holding corporation. "Controlled corporation"

(d) In any certification under this part, only such specification and itemization of property as made by the board for the purpose of carrying out the provisions of the Bank Holding Company Act of 1956 (P. L. 511, 84th Cong., 2d Sess.), shall be sufficient for carrying out the provisions of this part. Property specification and itemization

24999.2. (a) For purposes of this article, the term "bank holding company" has the meaning assigned to such term by Section 2 of the Bank Holding Company Act of 1956. Definitions

(b) (1) Except as provided in paragraph (2), for purposes of this article the term "qualified bank holding corporation" means any bank or corporation (as defined in Section 23038) which is a bank holding company and which holds prohibited property acquired by it—

(A) On or before May 15, 1955,

(B) In a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of Section 24999, or

(C) In exchange for all of its stock in an exchange described in Section 24999 (c)(2) or (c)(3).

(2) (A) A bank holding company shall not be a qualified bank holding corporation, unless it would have been a bank holding company on May 15, 1955, if the Bank Holding Company Act of 1956 had been in effect on such date, or unless it is a bank holding company determined solely by reference to—

(i) Property acquired by it on or before May 15, 1955,

(ii) Property acquired by it in a distribution in which gain to such corporation with respect to the receipt of such property was not recognized by reason of subsection (a) or (b) of Section 24999, and

(iii) Property acquired by it in exchange for all of its stock in an exchange described in Section 24999(c)(2) or (3).

(B) A bank holding company shall not be a qualified bank holding corporation by reason of property described in subparagraph (B) of paragraph (1) or clause (ii) of subparagraph (A) of this paragraph, unless such property was acquired in a distribution with respect to stock, which stock was acquired by such bank holding company—

(i) On or before May 15, 1955,

(ii) In a distribution (with respect to stock held by it on May 15, 1955, or with respect to stock in respect of which all previous applications of this clause are satisfied) with respect to which gain to it was not recognized by reason of subsection (a) or (b) of Section 24999, or

(iii) In exchange for all of its stock in an exchange described in Section 24999(c)(2) or (3).

(C) A corporation shall be treated as a qualified bank holding corporation only if the board certifies under the Bank Holding Company Act of 1956 (P. L. 511, 84th Cong., 2d Sess.), that it satisfies the requirements of Section 1103(a) and (b) of the Internal Revenue Code of 1954.

(c) For purposes of this article, the term "prohibited property" means, in the case of any bank holding company, property (other than nonexempt property) the disposition of which would be necessary or appropriate to effectuate Section 4 of the Bank Holding Company Act of 1956 if such company continued to be a bank holding company beyond the period (including any extensions thereof) specified in subsection (a) of such section or in Section 24999(e)(2)(B) of this article, as the case may be. The term "prohibited property" does not include shares of any company held by a bank holding company to the extent that the prohibitions of Section 4 of the Bank Holding Company Act of 1956 do not apply to the ownership by such bank holding company of such property by reason of subsection (c)(5) of such section.

(d) For purposes of this article, the term "nonexempt property" means—

(1) Obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(2) Securities issued by or guaranteed as to principal or interest by a government or subdivision thereof or by any instrumentality of a government or subdivision; or

(3) Money, and the right to receive money not evidenced by a security or obligation (other than a security or obligation described in paragraph (1) or (2)).

(e) For purposes of this article, the term "board" means the Board of Governors of the Federal Reserve System.

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

---

CHAPTER 167

An act to amend Sections 4127 and 4138 of the Agricultural Code, relating to milk.

[Approved by Governor April 22, 1957 Filed with Secretary of State April 23, 1957] In effect September 11, 1957

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

SECTION 1. Section 4127 of the Agricultural Code is amended to read:

4127. The giving of any milk, cream, dairy products, services, money, or articles of any kind except to bona fide charities for the purpose of securing or retaining the milk, cream or dairy products business of any wholesale customer or consumer is an unfair practice; provided, however, that nothing herein shall be construed to prohibit a distributor of frozen dairy products for reasonable compensation as provided in Section 4138, from furnishing a wholesale customer with, and maintaining such refrigeration facilities as shall be reasonably necessary for the storage and preservation of the frozen dairy products distributed by such distributor to such wholesale customer; provided further, that the use of said refrigeration facilities by any person for the storage or preservation of any product other than the frozen dairy products distributed to said wholesale customer by the distributor furnishing such facilities is an unfair practice. Unfair practice Gifts

SEC. 2. Section 4138 of said code is amended to read:

4138. Refrigeration facilities may be furnished by a distributor to retail stores and other wholesale customers, only to the extent that they are reasonably necessary for the preservation of frozen dairy products distributed by said distributor on a rental basis for reasonable compensation as determined by the director after conducting a survey. Such compensation must provide for interest on investment, reasonable depreciation, and cost of repairs and maintenance during normal life of such facilities; provided, however, that nothing in the aforesaid fair trade practice provisions shall be construed to prohibit the distributor or manufacturer from placing such equipment on the premises of any whole- Refrigeration facilities

sale customer and maintaining the same without charging compensation therefor when he satisfies the director, with facts, that said equipment is not accessible for ordinary service therefrom to customers of such wholesale customer, and that it is used only for storage and preservation of frozen dairy products distributed by the manufacturer or distributor furnishing said equipment, and that it results in a reduction of the normal number of deliveries and a saving in delivery costs of such distributor or manufacturer.

CHAPTER 168

An act to repeal Sections 4741, 4741.1, 4741.2, 4741.3, 4741.4, and 4741.5 of, to amend Sections 4740, 4742, 4748, 4815, and 4831 of, and to add Sections 4741, 4741.1, 4741.2, 4741.3, 4741.4, and 4741.5 to, the Health and Safety Code, relating to county sanitation districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

Repeals

SECTION 1. Sections 4741, 4741.1, 4741.2, 4741.3, 4741.4, and 4741.5 of the Health and Safety Code are repealed.

SEC. 2. Section 4740 of said code is amended to read:

Powers of district

4740. The district may acquire by gift, purchase, condemnation, or otherwise, in the name of the district, and own, control, manage, and dispose of any interest in real or personal property necessary or convenient for the construction, maintenance, and operation of a sewerage system and sewage disposal or treatment plant, or a refuse transfer or disposal system, or both. As used in this article "refuse" shall include all of the following: (a) animal, fruit and vegetable refuse; (b) offal; (c) leaves and cuttings, trimmings from trees, shrubs and grass; (d) inorganic refuse and rubbish; (e) garbage; (f) anything thrown away as worthless.

"Refuse"

SEC. 3. Section 4742 of said code is amended to read:

Joint operation

4742. It may join with any other district, city or other governmental agency in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant, or a refuse transfer or disposal system, or both, either within or without the district, or so join for any combination of these purposes, but no sewage disposal or treatment plant shall be constructed or maintained in any city not in the district, except by consent granted by the unanimous vote of the governing body of the city.

SEC. 4. Section 4748 of said code is amended to read:

Survey of district problems

4748. The district board shall, by resolution, employ one or more sanitation engineers to make a survey of the problems of the district concerning sanitation especially with reference

to the matters of sewage collection, treatment, and disposal, and refuse transfer or disposal, or both. The resolution shall direct the engineer or engineers to prepare and file with the district board of the district a report setting forth:

(a) A general description of existing facilities for sewage collection, treatment, and disposal, or a general description of existing facilities for refuse transfer or disposal, or both.

(b) A general description of the work proposed to be done to carry out the objects of the district.

(c) A general plan and general specifications of the work.

(d) A general description of the property proposed to be acquired or damaged in carrying out the work.

(e) A map showing the boundaries of the district and in general the location of the work proposed to be done, property taken or damaged, and any other information useful to an understanding of the proposed work.

(f) An estimate of the cost of the proposed work.

SEC. 5 Section 4741 is added to said code, to read:

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfalls, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights of way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal No such sewerage system shall be constructed, maintained, or operated in any city not in the district except by consent granted by the unanimous vote of the governing body of the city. Acquisition etc., of works

It may also acquire lands and acquire and construct refuse transfer or disposal facilities, or both, within or without the district, and it may maintain and operate within the district boundaries a system for transfer or disposal of refuse, or both; provided, however, that such system shall not include "refuse collection" which is defined as the house-to-house pickup of refuse or any part thereof.

A district shall not acquire land for, or establish and operate a refuse transfer or disposal facility within either a city or the unincorporated area of a county until the city council, if the facility is proposed to be located in the city, or the board of supervisors of the county, if it is proposed to be located in the unincorporated area of the county, has by resolution, consented to the use of the proposed site for that purpose. Limitation

If 90 percent or more of the total area of the district is unincorporated territory, and the land proposed to be acquired for a refuse transfer or disposal facility is located in the unincorporated territory of the county, the board of supervisors shall, before adopting any resolution consenting to the use of land for that purpose, hold a public hearing upon the question of the adoption of the resolution. Notice of such hearing shall be given by publication in the area pursuant to Section 6066 of the Government Code, not more than 30 nor less than 10 days Unincorporated territory Hearing Notice

prior to the hearing. If at any time before the hearing, there is filed with the board of supervisors a written objection to the use of the proposed site for a refuse transfer or disposal facility, signed by 2 percent or more of the registered voters of the district, the board shall submit the matter of the proposed use to the voters of the district at an election. The proposition shall be submitted to the voters in the manner and under the procedure prescribed in Article 5 of this chapter for submission of the proposition of incurring a bonded indebtedness. If a majority of the votes cast in such an election are in favor of the proposed use the board shall adopt the resolution consenting thereto, but if a majority of the votes cast are against the proposed use the board shall dismiss the proceedings, and no resolution consenting to the use of any of such land shall be adopted by the board for at least one year from the date of the election.

SEC. 6. Section 4741.1 is added to said code, to read:

Resolution of intention

4741.1. A district board desiring to construct, maintain and operate a refuse transfer or disposal system, or both, within or without the district in addition to its sewage collection, treatment and disposal system shall adopt a resolution of its intention to do so. The resolution shall contain the following:

(a) A statement of the intention to construct, maintain and operate a refuse transfer or disposal system, or both;

(b) A statement that in the absence of any exclusion as provided in Section 4741.2, the boundaries of the proposed refuse transfer or disposal system, or both, shall coincide with the existing district boundaries;

(c) The name of the county sanitation district proposing to construct, maintain and operate said system;

(d) Instructions to the secretary of the district board to deliver within 10 days after the passage of said resolution of intention a certified copy thereof to the governing body of each political subdivision having representation on said district board;

(e) A statement that any political subdivision having representation on the district board may be excluded from said system and relieved of all liability in connection therewith upon complying with the provisions of Section 4741.2.

SEC. 7. Section 4741.2 is added to said code, to read:

Exclusion from proposed system

4741.2. That portion of a political subdivision lying within a district and having representation on the district board of directors, shall be excluded from the proposed refuse transfer or disposal system, or both, and shall not be liable for any cost incurred by said district in acquiring, constructing, operating and maintaining such system; provided, that the governing body of said political subdivision within 90 days after passage of the resolution of intention by the district to form such system, delivers to said district a certified copy of its resolution requesting exclusion from the proposed refuse transfer or disposal system, or both.

SEC. 8. Section 4741.3 is added to said code, to read:

Resolution

4741.3. At the expiration of not less than 90 days after adoption of the resolution of intention to construct, maintain and operate a refuse transfer or disposal system, or both, the district board may, in its discretion, adopt a resolution declaring the system formed or may rescind its resolution of intention to form said system and declare all prior proceedings in connection therewith void.

Dissolution of existing system

Any existing refuse collection and disposal system of a district shall be dissolved without further action by the board upon the adoption by the same district board of a resolution declaring a refuse transfer or disposal system, or both, formed.

SEC. 9. Section 4741.4 is added to said code, to read:

Board of directors

4741.4. The board of directors of a county sanitation district shall be the same for all district purposes, activities, and objectives, whether for collection, treatment and disposal of sewage or the acquisition and operation of a refuse transfer or disposal system, or both, and no director shall be excluded from the board of directors because the political subdivision which he represents on the board has excluded itself from the said refuse transfer or disposal system, or both.

SEC. 10. Section 4741.5 is added to said code, to read:

Furnishing of maps or plats

4741.5. When a refuse transfer or disposal system, or both, is established by a district pursuant to the provisions of this article, the district shall comply with the provisions of Sections 54900 to 54903, inclusive, of the Government Code, by furnishing a statement and map or plat to each assessor whose roll is used for the levy as provided in Section 4815 of this code and to the State Board of Equalization, showing the boundaries of said refuse transfer or disposal system, or both.

SEC. 11. Section 4815 of said code is amended to read:

Statement of amount necessary

4815. 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 shall furnish to the board of supervisors a written statement of the amount necessary; (a) to maintain, operate, extend, or repair any work or improvements of the district, for the collection, treatment and disposal of sewage and to defray all other expenses incidental to the exercise of any of the district's powers, except the amounts necessary to acquire, construct, maintain and operate a refuse transfer or disposal system, or both, and any other expenses incidental to the operation of said system, and (b) to acquire, construct, operate and maintain any work or improvement of the district for a refuse transfer or disposal system, or both. The board of supervisors of the county shall, at the time and in the manner of levying other county taxes, levy separately 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: (1) the cost of maintaining, operating, extending, or repairing any work or improvements of the dis-

trict for the collection, treatment and disposal of sewage and of defraying all other expenses incidental to the exercise of any of the district's powers except those relating to the acquisition, construction, operation and maintenance of a refuse transfer or disposal system, or both, and (2) the cost of acquiring, constructing, operating and maintaining, extending or repairing a refuse transfer or disposal system, or both; provided, the latter levy shall be made only on the real property located in said refuse transfer or disposal system, or both.

SEC. 12. Section 4831 of said code is amended to read:

Annexation

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 benefited by the annexation of the territory and consent to its annexation.

Provided, however, that if a refuse transfer or disposal system of the district, or both, is in existence, said territory proposed to be annexed shall be and become a part of said system unless an express finding is made by the board of supervisors that said territory proposed to be annexed will not be benefited by its inclusion in said system.

Urgency

SEC. 13. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On October 1, 1957, a county-wide ban on the use of incinerators will go into effect in certain counties of this State. It is a matter of great urgency that sufficient refuse disposal facilities be provided before such date. This act will enable the sanitation districts to proceed promptly with the acquisition and operation of refuse disposal sites.

CHAPTER 169

An act to add Sections 25516 and 25517 to the Corporations Code, relating to negotiating permits under the Corporate Securities Law.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 25516 is added to the Corporations Code, to read:

25516. The offer, negotiation or taking of subscriptions for the sale of securities may be permitted by the commissioner upon the filing of a verified application. Subscriptions for sale of securities

SEC. 2. Section 25517 is added to said code, to read:

25517. The issuance of such a negotiating permit shall be conditioned to the effect that none of the securities shall be sold or issued nor shall any consideration be received or accepted in connection therewith unless and until a permit shall have been applied for and issued pursuant to Chapter 4, Division 1, Title 4 of the Corporations Code. Negotiating permit

CHAPTER 170

An act to amend Sections 25100 and 25180 of the Corporations Code, relating to exemptions from the Corporate Securities Law.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25100 of the Corporations Code is amended to read:

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities: Application of Corporate Securities Law

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, or taxing district therein

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this State, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the Government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this State.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this State or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this State, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by a company organized for the purpose of transacting an insurance business, the issuance of which is subject to authorization by the Insurance Commissioner.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this State.

(j) Any certificate of deposit for any security which has been approved by the California Districts Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State.

(k) Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(l) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

SEC. 2. Section 25180 of said code is amended to read:

Same

25180. Every company, otherwise subject to the Corporate Securities Law, conducting or carrying on in this State the business of accumulating savings of its security holders and of loaning or investing such accumulations in a manner similar to associations as defined in the Savings and Loan Association Law, whether specifically incorporated under that law or not, is subject to the supervision and regulation of the Savings and Loan Commissioner, and is not subject to the provisions of the Corporate Securities Law.

CHAPTER 171

An act to add Section 17209.1 to the Financial Code, relating to the minimum liquid assets of an escrow agent.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect September 11, 1957

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

SECTION 1. Section 17209.1 is added to the Financial Code, to read:

17209.1. An escrow agent at all times shall maintain a tangible net worth in the form of liquid assets of at least five thousand dollars ($5,000) in excess of its liabilities. The commissioner may determine by general rule what assets are liquid assets and may determine by specific ruling whether a particular asset is a liquid asset within the meaning of this section.

In computing net worth, capital shall not be considered a liability.

CHAPTER 172

An act to amend Section 17203 of the Financial Code, relating to the conditions of bonds of escrow agents.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect September 11, 1957

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

SECTION 1. Section 17203 of the Financial Code is amended to read:

17203. The bond of an escrow agent shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this division and all the rules and regulations made by the commissioner under this division. The bond shall be conditioned that the licensee will honestly and faithfully apply all funds received and will faithfully and honestly perform all obligations and undertakings under this division, and will pay the State and any person all amounts which become due or owing to the State or to such person under the provisions of this division. The surety under such bond may pay the full amount of its liability thereunder to a receiver appointed by a superior court pursuant to Section 17415 of this code in lieu of payment to the State or persons having a cause of action against the obligor of the bond, and upon such payment the surety is completely released from further liability under such bond.

CHAPTER 173

An act to amend Section 17213 of the Financial Code, relating to the transfer of a license as an escrow agent.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 17213 of the Financial Code is amended to read:

17213. An escrow agent's license is not transferable or assignable.

CHAPTER 174

An act to add Section 18211 to the Financial Code, relating to borrowings by an industrial loan company.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 18211 is added to the Financial Code, to read:

18211. No company with investment or thrift certificates outstanding shall borrow, except by the sale of investment or thrift certificates, in an amount in excess of 150 percent of the amount represented by its outstanding capital stock, surplus, and undivided profits, without the written consent of the commissioner.

CHAPTER 175

An act to amend Section 18819 of the Financial Code, relating to the manner of liquidation of an industrial loan company.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 18819 of the Financial Code is amended to read:

18819. When the commissioner takes possession of the property and business of any company for the purpose of liquidation or conservation, he may liquidate or conserve the company in the manner and pursuant to the procedures provided by Division 1 of this code. In such a liquidation or conservation the commissioner shall have the same authority with *reference to industrial* loan companies as are vested in the Superintendent of Banks by this code with reference to banks.

CHAPTER 176

An act to amend Section 9143 of the Government Code, relating to the Joint Legislative Budget Committee, and changing the designation of the Legislative Auditor.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9143 of the Government Code is amended to read:

9143. The committee shall have authority to appoint a legislative analyst and such other clerical and technical employees as may appear necessary, pursuant to the provisions of subsection (4) of subdivision (a) of Section 4, Article XXIV of the Constitution. The funds for the support of the committee shall be provided from the Contingent Funds of the Senate and the Assembly in the same manner that such funds are made available to other joint committees of the Legislature.

Whenever the term "Legislative Auditor" appears in any provision of law of this State, it shall be deemed to mean the Legislative Analyst provided for by this section.

CHAPTER 177

An act to amend Section 515 of the Agricultural Code, relating to pasteurization of milk and milk products.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 515 of the Agricultural Code is amended to read:

515. Pasteurization of milk or milk products is a process that shall consist of:

(1) Uniformly heating milk and milk products to a temperature of not less than 145 degrees Fahrenheit and of holding same at such temperature for at least 30 minutes; or

(2) Uniformly heating milk and milk products to a temperature of at least 161 degrees Fahrenheit and holding same at such temperature for at least 15 seconds.

Each such type of heating shall be conducted in approved and properly operated equipment and the milk or milk products shall be immediately cooled to a temperature of not above 50 degrees Fahrenheit after the completion of either of such heatings.

Nothing contained in this chapter shall be construed as prohibiting any other process which has been demonstrated to be equally efficient and is approved by the director.

CHAPTER 178

An act to amend Section 3081.5 of the Civil Code, relating to loans secured by real property.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 3081.5 of the Civil Code is amended to read:

3081.5. Any loan, other than a purchase money loan, 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.

CHAPTER 179

An act to amend Sections 1044 and 1068 of the Agricultural Code, relating to agricultural chemicals.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 1044 of the Agricultural Code is amended to read:

Rules and regulations

1044. The director may adopt, amend, or repeal such rules and regulations as are reasonably necessary to effectuate the purposes of this article. A copy of such rules and regulations shall be mailed to each person registered in compliance with the provisions of this article promptly upon promulgation. The failure to receive such copy is no defense to a violation of such rules or regulations.

SEC 2 Section 1068 of said code is amended to read:

1068. The director may adopt, amend, or repeal such rules and regulations as are reasonably necessary to carry out the provisions of this article A copy of such rules and regulations shall be mailed to each person registered in compliance with the provisions of this article promptly upon promulgation. The failure to receive such copy is no defense to a violation of such rules or regulations. Same

CHAPTER 180

An act to amend Section 6906 of the Labor Code, relating to railroads.

[Approved by Governor April 22, 1957 Filed with Secretary of State April 23, 1957]

In effect September 11, 1957

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

SECTION 1. Section 6906 of the Labor Code is amended to read:

6906. No common carrier shall employ any person as:

(a) A locomotive engineer who has not had at least three years' actual service as a locomotive fireman or one year's actual service as a locomotive engineer.

(b) A conductor who has not had at least two years' actual service as a railroad brakeman in road service on steam or electric railroad other than street railway, or one year's actual service as a railroad conductor in road service.

(c) A brakeman who has not passed the regular examination required by transcontinental railroads.

CHAPTER 181

An act to amend Section 28146 of the Government Code, relating to compensation for public services in counties of the forty-sixth class, to take effect immediately, and declaring the urgency thereof.

[Approved by Governor April 22, 1957 Filed with Secretary of State April 23, 1957.]

In effect immediately

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

SECTION 1. Section 28146 of the Government Code is amended to read:

28146. In a county of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums: Tuolumne County Compensation

(a) The auditor, three thousand five hundred twenty dollars ($3,520) a year.

(b) The district attorney, five thousand four hundred dollars ($5,400) a year.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a county-wide basis, the salary of each supervisor shall be four thousand eight hundred dollars ($4,800) a year, unless otherwise provided by the charter.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justice courts preliminary examinations, a monthly salary of two hundred seventy-five dollars ($275) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid five dollars ($5) a day for each day's attendance, and ten cents ($0 10) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid two dollars ($2) a day for each day's actual attendance, and twenty-five cents ($0 25) for each mile actually traveled, in going only. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

Urgency

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

Under the present day economic conditions it is difficult to find applicants for the office of official reporter of the superior court when the salary for that position requires performance of the additional duties of secretary to the court. Because the difficulty in obtaining such help seriously impedes the administration of the court and results in delays in the trial of pending cases, it is necessary that this act take effect immediately in order to avoid such obstruction to the orderly operation of the court.

CHAPTER 182

An act to amend Sections 19601, 19601.5, 19601.6, 19601.7, and 19613 of the Education Code, relating to child care centers and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] 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 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 there is but one parent in the home who requires not to exceed 12 months of education or training to qualify for entrance upon employment that will make the family economically self-sufficient, 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 four hundred sixty-two dollars ($462) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

(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 three hundred thirty dollars ($330) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

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:

Same Veteran

19601.7. If either parent is a veteran coming within (c) of Section 19601.5 and is attending school or receiving instruc-

tion for not less than half-time, or if 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 eleven dollars ($11) of an additional sixty-six dollars ($66) of income, one-sixth 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.

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 19613 of said code is amended to read:

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. Acceptance of federal funds

SEC. 6. This act shall be known and may be cited as the Kraft-Geddes-Richards Act. Short title

SEC. 7. This act shall become operative July 1, 1957. Operative date

SEC 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect A statement of the facts constituting such necessity is as follows: Urgency

To prevent the closing of established child care centers and the consequent disruption of the economic life of the State by the withdrawal from essential industry 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 183

An act to repeal Section 24854 and to amend Sections 24862, 24863, 24871, 24872, 24873, and 24875 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 24854 of the Business and Professions Code is repealed.

SEC. 2. Section 24862 of said code is amended to read:

Compliance with price schedule

24862. No licensee shall in this State sell or resell to a retailer or consumer, and no retailer shall in this State buy any item of wine except at the selling or resale price thereof contained either in an effective price schedule or in an effective fair trade contract as authorized by Chapter 10 of this division, unless otherwise provided in this chapter.

Wine sold pursuant to a bona fide order accepted on the last business day of any month may be delivered to the purchaser, at the price in effect during said month, within two business days immediately following the last day of the month in which the sale was made.

SEC. 3. Section 24863 of said code is amended to read:

Exceptions

24863. This chapter does not apply to any of the following:

(a) Sales of bulk wine, except where bulk wine is sold and bottled by the seller for the purchaser, in which case posting is required as provided in this chapter for bottled wine.

(b) Sales to consumers for consumption on the premises.

(c) Sales to holders of on-sale beer and wine licenses for airplanes and to holders of on-sale general licenses for airplanes and air common carriers.

SEC. 4. Section 24871 of said code is amended to read:

Quantity discounts

24871. Quantity discounts to retailers shall be permitted only when actual delivery of a single order is begun and completed to the same premises within a period not to exceed 48 hours, except in the case of accident, strike, insurrection, riot, or act of God, and then delivery shall be made within 48 hours after such occurrence ends. The total quantity and prompt payment discounts, if any, to retailers shall not exceed 10 percent per case for case lots. Brands owned or controlled for the purpose of filing price schedules pursuant to this chapter by the same wine grower or wholesaler may be combined for quantity and prompt payment discounts.

Quantity discounts to consumers shall not exceed 10 percent per case for case lots of the same brand.

Prompt payment discounts

Prompt payment discounts to retailers shall be permitted only when the seller actually receives payment in cash or its

equivalent within the specified period after date of delivery. Postdated checks or checks returned for nonpayment shall not be deemed the equivalent of cash.

Permitted discounts shall not be taken in merchandise.

SEC. 5. Section 24872 of said code is amended to read:

Fair trade contracts and price schedules

24872. Fair trade contracts and price schedules for wine available for sale for the first time shall be made and filed on or before the twenty-fifth of any month.

Adding an item to, removing an item from, or changing any charge, discount, or price in, any price schedule or fair trade contract constitutes a change in the price schedule or fair trade contract.

Monthly changes shall be filed on or before the twenty-fifth of any month.

If a change occurs in the body of a fair trade contract, a copy of the changed fair trade contract shall be filed at the same time that the changed price schedule affected thereby is filed.

Effective date

Price schedules, fair trade contracts, or changes therein shall become effective on the first day of the month following the month of filing, except as otherwise provided in this chapter, and shall remain in effect for a minimum of one month and until changed in the manner provided in this chapter.

SEC. 6. Section 24873 of said code is amended to read:

Compliance with federal laws

24873. For the purpose of complying with the General Ceiling Price Regulation, Economic Stabilization Agency, or with any other applicable federal law, ruling, rule, or regulation respecting prices, or for the purpose of increasing a price or prices when an increase in ceiling price is authorized by any such law, ruling, rule, or regulation, price schedules and fair trade contracts, or changes therein, may be filed with the department at any time and shall become effective immediately upon filing. If filed because of an authorized increase in ceiling price, the applicable price schedule and fair trade contract, or changes therein, shall be filed with the department not later than the twenty-fifth day of the month following the month in which the increase in ceiling price is first authorized.

Publication of the price schedules or changes therein shall be made as provided in Section 24875 on or before the first day of the month following the month in which the price schedules or changes therein are filed with the department. The price schedules or changes therein shall contain the statement: "Filed to comply with federal pricing laws and regulations" or "Filed to increase prices as first authorized on (inserting the date)." Notwithstanding any other provision of this chapter, price schedules and fair trade contracts, or changes therein, made effective pursuant to this section shall remain in effect until changed pursuant to this chapter.

SEC. 7. Section 24875 of said code is amended to read:

Publication of price schedules

24875. Except for wine growers selling only to consumers at their licensed premises, every person filing a price schedule or change therein shall, at least once on or before the first of

the month in which effective, publish the price schedule or change in a trade journal or industry price book printed and published in this State and of general circulation among licensees affected in this State. In case of industry price books which are of general circulation among licensees in only some of the trading areas, the publication shall be in one industry price book of general circulation in each trading area.

Mailing alternative

Instead of publishing, the licensee may mail his price schedule or any changes therein to licensees affected. Schedules or changes therein shall be deposited in the United States Post Office before the date required for publication. If the affidavit prescribed herein is not filed before the date required for publication, the schedule or changes therein are not effective until the affidavit is filed. Within five days after the mailing, the licensee shall file with the department a list of names and addresses of the licensees to whom the price schedules or changes are mailed, together with an affidavit of the person who deposited the schedules in envelopes addressed to the licensees whose names and addresses are set forth in the list. The affidavit is prima facie evidence of the facts stated therein.

Wine growers selling only to consumers at their licensed premises need not publish or mail their price schedules but shall post the schedules in that portion of their premises where sales are made where they can be readily inspected by consumers.

Effective date

SEC. 8. The provisions of Section 1 of this act shall take effect on November 1, 1957. The amendments made by Sections 4, 5, 6 and 7 of this act shall apply to price schedules or changes thereto and discounts which are in effect or become effective on or after November 1, 1957.

CHAPTER 184

An act to amend Sections 18203, 18205, 18206, 18208, and 18615 of the Financial Code, relating to capital and surplus of industrial loan companies.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 18203 of the Financial Code is amended to read:

Minimum capital stock

18203. The capital stock of any corporation incorporated under this division shall not be less than the following amounts:

(a) Fifty thousand dollars ($50,000) when the corporation is transacting business in any city having a population of less than 50,000 inhabitants.

(b) One hundred thousand dollars ($100,000) when the corporation is transacting business in any city having 50,000 or more inhabitants.

SEC. 2. Section 18205 of said code is amended to read:

18205. The capital stock of any company transacting business at more than one location shall equal the paid-up capital required by Section 18203 of this division and in addition the following: Same Where more than one location

(a) If the additional location is in the city in which the head office of the company is located or in a city in which the company has already established a location, twenty-five thousand dollars ($25,000);

(b) If the additional location is elsewhere the amount required by Section 18203 of this division to open a new industrial loan company; but the aggregate capital need not exceed two hundred fifty thousand dollars ($250,000).

SEC. 3. Section 18206 of said code is amended to read:

18206. The establishment and operation of an office within 10 miles of the city limits of an incorporated city or cities shall require the same minimum capital as would be required if the office were located within the incorporated city having the larger population. In no event shall an industrial loan company have a paid-in and unimpaired capital of less than fifty thousand dollars ($50,000). Location of office

SEC. 4. Section 18208 of said code is amended to read:

18208. Before a company commences business or opens a branch office or place of business, there must be paid in cash for the benefit of the corporation, 100 percent of the amount of the minimum capital stock required under this chapter and a paid-in surplus or reserve equal to 50 percent of the required minimum capital stock. Required capital

SEC. 5. Section 18615 of said code is amended to read:

18615. An industrial loan company shall not declare a dividend upon its capital stock unless not less than 10 percent of the net profits of the company for the preceding half year, or for such period as is covered by the dividend is credited to surplus. This section does not apply if the company maintains a surplus as required by Section 18208 at least equal to 50 percent of its paid-up capital stock. Dividend

SEC. 6. The provisions of this act relating to minimum capital, paid-in surplus and reserve shall be applicable to an industrial loan company that commences business after the effective date of this act and to an industrial loan company that opens an additional office or place of business after the effective date of this act. Application

CHAPTER 185

An act to amend Section 18814 of the Financial Code, relating to an order to discontinue violations by or to make good an impairment of capital of an industrial loan company.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.] In effect September 11, 1957

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

SECTION 1. Section 18814 of the Financial Code is amended to read:

18814. If it appears to the commissioner that any company has violated or failed to comply with the provisions of its articles of incorporation, or with any law of this State, or whenever it appears from the report of any company, or the commissioner has reason to conclude, that the capital of any company is impaired or reduced below the amount required by law, the commissioner may by written order addressed to such company, direct that company to discontinue such violation and to comply with the law, or to make good the alleged deficiency or impairment of capital.

CHAPTER 186

An act to amend Section 12208 of the Financial Code, relating to the payment of bonds filed by a check seller or casher.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 12208 of the Financial Code is amended to read:

12208. The bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this division and of all rules and regulations made by the commissioner pursuant to this division, and will honestly and faithfully apply all funds received and will faithfully and honestly perform all obligations and undertakings under this division, and will pay to the State and to any person all money that becomes due and owing to the State or to such person from the obligor under the provisions of this division. The surety under such bond may pay the full amount of its liability thereunder to a receiver appointed by a superior court pursuant to Section 12307.2 of this code in lieu of payment to the State or persons having a cause of action against the obligor of the bond, and upon such payment the surety is completely released from further liability under such bond.

CHAPTER 187

An act to amend Section 5397 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 5397 of the Streets and Highways Code is amended to read:

5397. If the superintendent of streets is authorized by ordinance to collect the assessments, the ordinance shall also provide that the superintendent of streets shall furnish to the contractor or his assigns a good and sufficient surety bond conditioned upon the full and prompt payment by the superintendent of streets to the contractor or his assigns of all assessments so collected by him. The bond shall be in an amount not less than 10 percent of the total amount of the assessment shown on the assessment roll if such total amount does not exceed two hundred fifty thousand dollars ($250,000) and shall be in the amount of twenty-five thousand dollars ($25,000) if the total amount of the assessments shown on the assessment roll exceeds the sum of two hundred fifty thousand dollars ($250,000). The premium on the bond shall be payable as a part of the incidental expenses of the proceeding.

As an alternative the legislative body, in its discretion, may provide in such ordinance that a blanket surety bond shall be maintained on file in the office of the city clerk, conditioned as above, in amounts herein provided. Such blanket bonds shall cover and protect all contractors and their assigns holding warrants for assessments which the superintendent of streets is authorized to collect. The premium on such blanket bond may be prorated to the several special assessment proceedings as a part of the incidental expenses of such proceedings.

CHAPTER 188

An act to amend Section 5582 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5582 of the Streets and Highways Code is amended to read:

5582. The legislative body may, in its discretion, provide by resolution that the whole or any part of the cost and expenses of any of the work mentioned in this division shall be paid out of the treasury of the city from such fund as the legislative body may designate, in which case it shall be so stated in the resolution of intention, or by resolution of the legislative body adopted at any time prior to the confirmation of the assessment, and the liability and obligation to pay any sum so provided for shall accrue and become fixed upon the date of the confirmation of the assessment by the legislative body, and thereupon the legislative body shall order that amount to be forthwith paid.

CHAPTER 189

An act to amend Section 136.5 of the Streets and Highways Code, relating to state highway work.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provisions of the State Contract Act. Whenever the total consideration of such a contract exceeds five hundred dollars ($500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration of less than one thousand dollars ($1,000) need not be accompanied by labor and material bonds. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 10 days without competitive bidding.

CHAPTER 190

An act to add Section 699.5 to the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 699.5 is added to the Insurance Code, to read:

699.5. A certificate of authority shall not issue to any insurer owned, operated or controlled, directly or indirectly, by any other state, or province, district, territory or nation or any governmental subdivision or agency thereof.

CHAPTER 191

An act to amend Section 164 of the Vehicle Code, relating to the issuance of license plates.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 164 of the Vehicle Code is amended to read:

164. Department to Renew Registration. The department, upon reviewing a registration, shall issue a new registration card and license plates to the owner as upon an original registration. In lieu of issuing a new registration card the department may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees, such receipt or validation to be stamped upon the registration card last issued for such vehicle during the preceding registration year, or upon a potential registration card issued near the close of the preceding year, which registration card so endorsed or validated shall constitute the registration card for the ensuing registration year, and the department may, in place of issuing new license plates for the ensuing year, issue in lieu thereof a single tab indicating the year number for which issued, which tab shall be attached to the rear license plate issued for such vehicle for the last preceding calendar year in which license plates were issued, and, when so attached, said license plates with such tab shall for the purposes of this code be deemed to be the license plate or plates for the ensuing registration year.

The department may extend the life of the current license plates and may hereafter issue license plates for an indefinite period of time, but in no event for a period less than five (5) years from the date of issuance. During each intervening year of the period for which the plates are issued, the department shall issue a tab, sticker, or other suitable device as herein provided.

Such plates may be canceled by the Director of Motor Vehicles with the approval of the Governor at any time after five years from the date of issuance.

The department may authorize an endorsement of a receipt or the validation of a registration card or potential registration card as hereinbefore provided by a person or organization holding a certificate of authority issued under the provisions of Part 5 of Division 2 of the Insurance Code.

CHAPTER 192

An act to amend Sections 140.3 and 173.4 of the Vehicle Code, relating to one-trip permits.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 140.3 of the Vehicle Code is amended to read:

One-trip permit

140.3. One-trip Permit. A vehicle otherwise subject to registration may be driven or moved unladen upon a highway on a permit issued by the department for one continuous trip from a place within this State to another place either within or without this State or from a place without this State to a place within this State.

The department may issue a quantity of such permits in booklet form upon payment of the proper fee for each permit contained in said booklet. Each permit shall be valid for only one vehicle and for only one continuous trip, and only after a copy describing the vehicle has been forwarded to the department. Such permit shall be posted upon the windshield or other prominent place upon a vehicle and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve in lieu of California registration.

SEC. 2. Section 173.4 of said code is amended to read

Exemption from registration

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 or under a one-trip permit issued by the department as authorized by Section 140.3 when such permit is issued to a nonresident.

(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.

CHAPTER 193

An act to add Section 18402.1 to the Financial Code, relating to industrial loan companies and the issuing of the investment certificates of such companies to minors.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 18402.1 is added to the Financial Code, to read as follows:

18402.1. Investment or thrift certificates may be issued to or in the name of a minor and as such shall be for the exclusive right and benefit of such minor and may be redeemed in whole or part by said minor or his order and payment so made is a valid release and discharge to the company for such payment.

CHAPTER 194

An act to amend Section 18812 of the Financial Code, relating to levying and collecting assessments for costs and expenses of administration of Industrial Loan Law.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 18812 of the Financial Code is amended to read as follows:

18812. In the levying and collection of an assessment pursuant to Section 18810, no industrial loan company shall be assessed for nor be permitted to pay less than two hundred fifty dollars ($250) per year, or not less than twenty-five dollars ($25) per month or fraction of a month for the unexpired year ending December 31st following its incorporation.

CHAPTER 195

An act to amend Section 796.1 of the Agricultural Code, relating to citrus fruits.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 796.1 of the Agricultural Code is amended to read:

796.1. It shall be unlawful to mix or blend citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter. Unlawful citrus fruit mixtures

Any packed citrus fruit or fruits placed loose without packing in standard container number 58 or 59 which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after packing, or being placed loose without packing, shall not be held for violation of the provisions of this chapter on account of such deterioration. Exceptions

Packing

Oranges (except tangerines and mandarins), grapefruit, and lemons when packed in containers holding more than 25 pounds shall be regularly packed throughout in standard containers as provided and designated for each such citrus fruit in Section 828.83; provided, however, that packed citrus fruit imported into this State from another state need not be packed in said containers if they are packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

Container markings

All containers of packed citrus fruits when packed in containers holding more than 25 pounds and when loose or packed in a standard container number 58 or 59 which is closed shall bear upon them in plain sight and in plainly legible letters on one outside end: the name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown and in the case of a standard container number 58 or 59 which is not closed, the marking requirements of this section need not be shown.

Standard container number 58 or 59, containing loose or packed oranges, grapefruit or lemons in addition to being marked with the actual count and average diameter of the fruit in the container as required by this section, may be marked with the corresponding size in terms of the count that such fruits would pack in full-size standard containers as listed in Section 796.3 for oranges, in Section 796.4 for grapefruit and in Section 796.5 for lemons. The number indicating such "count size," if marked on the container, shall be accompanied by the term "size" so as to clearly refer to size, and both shall be in figures and letters no larger in size than the actual count marked on the container. If the "count size" is marked on the container, it must be placed near the statement of contents and the actual count figure must be accompanied by the term "count" so as to clearly refer to the count.

CHAPTER 196

An act to amend Section 525.2 of the Vehicle Code, relating to traffic markings.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 525.2 of the Vehicle Code is amended to read:

525.2. Distinctive Roadway Markings. (a) The State Department of Public Works, Division of Highways, in respect to state highways and a local authority with respect to highways under its jurisdiction, are authorized to place and maintain upon highways distinctive roadway markings as described herein and which shall have the effect as set forth in subdivision (b) of this section. The distinctive roadway markings as described herein shall be employed to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or to indicate no driving to the left as provided in Section 530(b)2, and such distinctive roadway markings as described in subdivision (b) shall not be employed for any other purpose. Distinctive roadway markings

(b) For the purposes of this section the distinctive roadway markings are hereby described and shall have the meanings respectively as herein stated. Description and meanings

1. A double line consisting of two parallel solid white lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement. When such double parallel solid white lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in paragraph 3 of this subdivision.

2. A double line consisting of two parallel lines, one of which shall be a solid white line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between such breaks are not less than eight feet in length. When the double line, as described in this paragraph, is in place no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which such broken line is in place may cross over such double line or drive to the left thereof when overtaking or passing other vehicles.

3. Exceptions. Either of the markings as specified in paragraph 1 or 2 above shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, and either of said markings shall be disregarded when authorized signs have been erected designating off-center traffic lanes as permitted under Section 525.5, in which event, no person shall disobey the instructions given by such signs.

(c) Any pavement marking other than as described in this section placed by the State Department of Public Works or any local authority shall not be effective to indicate no driving over or to the left of said marking. Limitation

CHAPTER 197

An act to amend Sections 317 and 319 of the Vehicle Code, relating to drivers' licenses.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 317 of the Vehicle Code is amended to read:

Proceedings upon informal hearing

317. Proceedings Upon Informal Hearing. (a) Whenever an informal hearing is granted as provided herein, such hearing shall be conducted in a completely informal manner, the only requirement being that the applicant or licensee shall have the opportunity to make or file a written answer or statement in which he may controvert any point at issue or present any evidence or arguments for the consideration of the department, or such person may present orally to the department any evidence or statement pertinent to the question and submit the question for determination by the department.

(b) In connection with any informal hearing, the department may consider any of the records or reports referred to in Section 318(c).

(c) Upon the conclusion of an informal hearing the referee or board shall make findings on the matter under consideration and may prepare and submit recommendations to the department. After a review of the records, evidence and of the findings, the department shall render its decision concerning the matter under consideration and shall notify the person involved. Such decision shall be effective upon notice.

(d) The department shall, however, have the right upon the request of the person whose privilege of driving is in question or, at its own option, to reopen the question, and to take further evidence, to change or to set aside any order theretofore made.

SEC. 2. Section 319 of said code is amended to read:

Probation

319. Probation. (a) Whenever by any provision of this code the Department of Motor Vehicles has discretionary authority to suspend or revoke any operator's or chauffeur's license, the department shall have authority in lieu of such suspension or revocation to place the licensee on probation, issuing a probationary license with such reasonable terms as shall be deemed by the department to be appropriate.

(b) The department shall have authority to terminate or to modify the terms or conditions of any order of probation whenever good cause appears therefor.

(c) The department upon receiving satisfactory evidence of a violation of any of the terms or conditions of probation granted under Section 314 of this code, may withdraw the probationary license and order the suspension or revocation

of the privilege of operating motor vehicles extended to the licensee.

(d) Unless probation was imposed for a cause which is continuing, the probationer, after not less than one year, may request in writing the termination of the probation and the return of his regular license. Upon a showing that there has been no violation of the terms or conditions of the probation for a period of one year immediately preceding such request, the department shall terminate such probation and either restore to the licensee his regular license or require an application for a new license.

CHAPTER 198

An act to amend Section 6760 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6760 of the Business and Professions Code is amended to read:

6760. A temporary authorization for the practice of engineering in a branch defined by this chapter may be granted, for a specific project, upon application and payment of the fee prescribed in Section 6799 of this chapter for a period not to exceed sixty (60) consecutive days in any calendar year; provided:

(a) He maintains no place of business in this State.

(b) He is legally qualified to practice that branch of engineering in the state or country where he maintains a place of business.

(c) The applicant demonstrates by means of an individual appearance before the board satisfactory evidence of his knowledge of the application of seismic forces in the design of structures or adequate knowledge in any of the other phases of civil and professional engineering for which the applicant proposes to practice under the temporary authorization.

(d) If the applicant can satisfy the board that for the completion of the specific project for which the authorization is granted, will require more than sixty (60) consecutive calendar days, the board may extend the authorization to a period not to exceed one hundred twenty (120) consecutive days.

Upon completion of these requirements as necessary, the secretary on direction of the board shall issue a temporary authorization to the applicant.

CHAPTER 199

An act to amend Sections 6756 and 6756.1 of, and to add Section 6756.2 to, the Business and Professions Code, relating to professional engineers.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 6756 of the Business and Professions Code is amended to read:

Certificate of engineer-in-training

6756. An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755 of this chapter, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training. No renewal or other fee, other than the examination fee, shall be charged for this certification. Such certificate shall become invalid when (a) the holder has qualified as a professional engineer as provided in Section 6762 of this chapter; or (b) on the thirtieth day of June of the eleventh year after date of issuance, if the holder has not at that time secured registration as a professional engineer.

SEC. 2. Section 6756.1 of said code is amended to read:

Extension

6756.1. All engineer-in-training certificates issued prior to and which were valid on the date this section became effective shall be extended to the thirtieth day of June of the eleventh year after the date of issuance. This section does not affect the provision of the Business and Professions Code relating to reinstatement of certification by reasons of military service except that a certification reinstated under those provisions shall be extended to the thirtieth day of June of the eleventh year after the date of reinstatement

SEC. 3. Section 6756.2 is added to said code, to read:

Limitation

6756.2. An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil engineering or to assume responsible charge of civil engineering work, in his own right, or to use the titles specified in Section 6732.

CHAPTER 200

An act to amend Section 801.5 of the Agricultural Code, relating to grapes.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 801.5 of the Agricultural Code is amended to read:

801.5. Nothing in this chapter shall be construed to prohibit any producer, under permit from an enforcing officer of this chapter, from transporting out of the State to an adjoining state or country from his own premises within the State juice grapes which comply with the quality requirements of this chapter in unlidded containers, whether standard or not or in bulk loads. Such officer may issue the permit if he determines that the grapes comply with the requirements of this chapter except as to containers, are of the applicant's own production, and are to be delivered pursuant to a bona fide contract of sale direct to a purchaser in an adjoining state or country for the manufacture of by-products on the premises of the purchaser.

CHAPTER 201

An act to amend Section 787.5 and add Section 970.1 to the Fish and Game Code, and amend Section 8276 of, and add Section 8282 to, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to crabs.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 787.5 of the Fish and Game Code is amended 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 July 15th. 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. Crab season

This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature. Termination date

SEC. 2. Section 970.1 is added to said code, to read:

970.1. On and after the opening date of the 1957-58 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. Traps

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill Effect. Stats 1957, Ch 456

No. 616 takes effect; at which time Sections 787.5 and 970.1 of the Fish and Game Code adopted in 1933, are repealed.

CHAPTER 202

An act to amend Section 610.5 of the Fish and Game Code, and Section 7148 of the Fish and Game Code as proposed by Assembly Bill No 616, relating to possession of fish.

In effect September 11, 1957

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

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

SECTION 1. Section 610.5 of the Fish and Game Code is amended to read:

Trout Mono and Inyo Counties

610.5. The provisions of this section apply only to trout taken in districts or parts of districts lying within Mono and Inyo Counties. Not more than one daily bag limit of trout may be possessed in said counties, except that, in addition to the one daily bag limit that may be so possessed, one additional daily bag limit may be possessed by the holder of a current angling license; provided, he first obtains a permit to take not to exceed three such additional limits during the season, pursuant to rules and regulations prescribed by the commission. The fee for such permit shall be five dollars ($5).

Not more than one such additional daily bag limit shall be possessed by any one person at any one time, and not more than three such additional daily bag limits may be possessed by any one person during any one open season for trout

Notwithstanding any other provisions of this code, trout taken in said counties shall not be shipped by common carrier but trout lawfully possessed in said counties pursuant to this section may be transported and possessed in any part of the State by the person by whom such trout were taken

It is unlawful for any person to possess more than one daily bag limit of trout except in conformity with this section

Termination date

The amendments to this section shall become operative on January 1, 1958, and the provisions of this section shall remain in effect until December 31, 1959, and thereafter shall have no force or effect.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 610.5 of the Fish and Game Code, adopted in 1933, is repealed.

CHAPTER 203

An act to amend Section 804.1 of the Agricultural Code, relating to pears.

[Approved by Governor April 22, 1957. Filed with Secretary of State April 23, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 804.1 of the Agricultural Code is amended to read:

804.1. Notwithstanding any provisions of Section 804, (a) when pears are wrapped and packed throughout in uniform layers and rows in straight side containers, other than standard containers number 19 and number 20, the containers need not be marked with the count of the pears in the containers and (b) nonstandard containers of packed pears need not be marked with the designation "irregular container" or with name, address, or variety designations when being transported out of the State for further packing; provided, a permit has first been obtained from an enforcing officer. Such officer may issue the permit if he determines that the pears comply with the requirements of this chapter except as to containers and markings and are to be delivered pursuant to a bona fide contract of sale direct to a purchaser for further packing on the premises of the purchaser.

CHAPTER 204

An act to add Sections 197.8 and 2122 to the Streets and Highways Code, relating to city streets and county highways.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 197.8 is added to the Streets and Highways Code, to read:

197.8 Contracts for any construction and improvement projects on city streets for which funds may be expended pursuant to this article during any fiscal year may with the approval of the department be awarded on and after the first day of March preceding the beginning of the fiscal year if in accordance with a budget approved for such fiscal year pursuant to Section 197.

SEC. 2. Section 2122 is added to said code, to read:

2122. Contracts for any construction and improvement projects on county highways for which it is anticipated funds from the Highway Users Tax Fund will be available during any fiscal year may be awarded on and after the first day of March preceding the beginning of the fiscal year.

CHAPTER 205

An act to repeal Sections 112, 114, 252.6, 252.7, 301, 375, 376, 377, 401, 451 5, 453, 455, 478, 486, 505, 506, 507, 508, 509, 28477, and 28714, and Article 7 (Sections 410-414, inclusive) of Chapter 2 of Part 1 of Division 1; Article 3 (Sections 491-493, inclusive) of Chapter 1 of Part 2 of Division 1; Chapter 4 (Sections 800-811, inclusive) of Part 2 of Division 1, Chapters 1 (Sections 1700-1703, inclusive) and 6 (Sections 2500-2603, inclusive) of Division 3, Division 4 (Sections 3099-3342, inclusive), Division 16 (Sections 21000-21409, inclusive), and Chapter 3 (Sections 24380-24385, inclusive) of Division 20, of the Health and Safety Code; to amend and renumber Sections 116, 204, 212, 302, 303, and 304 of said code; to amend Sections 211, 300, 374, 400, 450, 500, 502, 1602, 1603, 1605, 1622, 3701, 3702, 3801, 3901, 3954, 4001, 4002, 25003, 26235, 26366.5, 26472, 26541, 26542, 26586.5, 28224, and 28295, and the title of Article 3, Chapter 2, Part 1, Division 1, and the title of Article 5, Chapter 2, Part 1, Division 1, and the title of Division 3, of said code; to add Article 7 (Section 410) to Chapter 2, Part 1, Division 1, Chapter 6 (Sections 1685 and 1686) to Division 2, Division 4 (Sections 3000-3355, inclusive), to said code; relating to the preservation of the public health and safety, including the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property, and matters incidental thereto.

(Prepared pursuant to Senate Resolution 101, General Session of 1955, to revise and consolidate the public health statutes.)

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

Repeals

SECTION 1. Sections 112, 114, 252.6, 252.7, 301, 375, 376, 377, 401, 451.5, 453, 455, 478, 486, 505, 506, 507, 508, 509, 28477, and 28714, and Article 7 (Sections 410-414, inclusive) of Chapter 2 of Part 1 of Division 1, Article 3 (Sections 491-493, inclusive) of Chapter 1 of Part 2 of Division 1, Chapter 4 (Sections 800-811, inclusive) of Part 2 of Division 1, Chapters 1 (Sections 1700-1703, inclusive) and 6 (Sections 2500-2603, inclusive) of Division 3, Division 4 (Sections 3099-3342, inclusive), Division 16 (Sections 21000-21409, inclusive), and Chapter 3 (Sections 24380-24385, inclusive) of Division 20, of the Health and Safety Code are repealed.

SEC. 2. Section 204 of the Health and Safety Code is renumbered and amended to read:

Biological products

375. It may prepare or purchase biological products and distribute them at cost.

SEC. 3. Section 211 of said code is amended to read:

Special investigations

211. It shall cause special investigations of the sources of morbidity and mortality and the effects of localities, employ-

ments, conditions and circumstances on the public health and it shall perform such other duties as may be required in procuring information for state and federal agencies regarding the effects of these conditions on the public health.

SEC. 4. Section 116 of said code is amended and renumbered to read:

213. With the approval of the Department of Finance, and for use in the furtherance of the work of the State Department of Public Health, the director may accept (a) grants of interest in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational or charitable purposes. Gifts

SEC. 5. The title of Article 3, Chapter 2, Part 1, Division 1, of said code is amended to read:

Article 3. Child Health

SEC. 5.5. Section 300 of said code is amended to read:

300. The State Department of Public Health shall maintain a program of child health. Child health program

SEC. 6. Section 302 of said code is renumbered and amended to read:

301. The department may investigate, and disseminate educational information relating to, conditions affecting the health of the children of this State. Same: Powers

SEC. 6.1. Section 303 of said code is renumbered and amended to read:

302. This article does not give the department power to force compulsory medical or physical examination of children Same Limitation

SEC. 6.2. Section 304 of said code is renumbered and amended to read:

303. Upon request the department shall advise all public officers, organizations, and agencies interested in the health and welfare of children in the State. Same: Advisory function

SEC. 6.3. The title of Article 5, Chapter 2, Part 1, Division 1, of said code is amended to read:

Article 5. Laboratory

SEC. 7. Section 374 of said code is amended to read:

374. The State Department of Public Health shall maintain a laboratory and such branch laboratories as may be necessary to perform the microbiological, physical and chemical analyses required to meet the responsibilities of the department. Laboratory

SEC. 8. Section 400 of said code is amended to read:

400. The State Department of Public Health shall maintain a program of sanitary engineering. Sanitary engineering

SEC. 9. Article 7, comprising Section 410, is added to Chapter 2 of Part 1 of Division 1 of said code, to read:

Article 7. Epilepsy

Epilepsy reports

410. The State Department of Public Health shall define epilepsy for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, age, and address of every person diagnosed as a case of epilepsy or similar disorders characterized by lapses of consciousness.

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of epilepsy.

(3) The state department shall report to the State Department of Motor Vehicles the names, ages, and addresses, of all persons reported as cases of epilepsy by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

SEC. 10. Section 450 of said code is amended to read:

County health ordinances, etc.

450 The board of supervisors of each county shall take such measures as may be necessary to preserve and protect the public health in the unincorporated territory of the county, including, if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws, and provide for the payment of all expenses incurred in enforcing them.

SEC. 11. Section 500 of said code is amended to read:

City ordinances, etc.

500. The governing body of a city shall take such measures as may be necessary to preserve and protect the public health, including the regulation of sanitary matters in the city, and including if indicated, the adoption of ordinances, regulations and orders not in conflict with general laws.

SEC. 12. Section 502 of said code is amended to read:

Health officer

502. Every governing body of a city shall appoint a health officer, except when the city has made other arrangements, as specified in this code, for the county or district health officer to exercise the same powers and duties within the city, as are conferred upon health officers thereof by law.

SEC. 13. Section 212 of said code is amended and renumbered to read:

Safety and sanitation standards

1422. Notwithstanding the provisions of Section 1415 of this code, with the exception of subdivision (c) thereof, the state department shall prescribe, promulgate and enforce minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for public medical institutions, other than federal medical institutions, University of California hospitals, and clinics, and other than institutions for mental disease, and all of such public medical institutions shall be subject to the provisions of Chapter 2 of Division 2 of the Health and Safety Code.

This section shall be operative only during such times as the Federal Social Security Act and the rules of the Department of Health, Education and Welfare promulgated thereunder require that such standards shall be established and maintained in order for this State to receive reimbursement from the Federal Government for public assistance payments made to or in behalf of patients in public medical institutions.

SEC. 14. Section 1602 of said code is amended to read:

Biologics. Distributors

1602. No person shall distribute biologics produced other than:

(a) In a laboratory licensed by the United States Department of Health, Education and Welfare, Public Health Service.

(b) In a laboratory licensed by the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

(c) Under the provisions of this chapter.

SEC. 15. Section 1603 of said code is amended to read:

Same: Storage, etc

1603. The state department shall make rules and regulations governing the storage and transportation of all biologics by whomsoever produced and governing the production, standards of potency and truthful advertising of all biologics except those produced under license from any of the following:

(a) United States Department of Health, Education and Welfare, Public Health Service.

(b) United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

SEC. 16. Section 1605 of said code is amended to read:

Same Licensing

1605. No person shall engage in the business of preparing biologics in this State, except under a license issued by the state department or the United States Department of Health, Education and Welfare, Public Health Service or the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

SEC. 17. Section 1622 of said code is amended to read:

Exceptions

1622. Nothing in this chapter shall be considered to be in conflict with Division 21, Chapter 2, of this code and all provisions of Division 21, Chapter 2, shall apply to biologics within the meaning of this chapter, except that the provisions of such chapter of such division shall not apply to products of:

(a) A laboratory licensed by the United States Department of Health, Education and Welfare, Public Health Service.

(b) A laboratory licensed by the United States Department of Agriculture, Agricultural Research Service, Animal Inspection and Quarantine Branch.

SEC. 18. Chapter 6, consisting of Sections 1685 and 1686, is added to Division 2 of said code, to read:

CHAPTER 6. AUDIOMETRISTS

Employment by city, etc.

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as

may at the date of registration be prescribed by the said state board.

The school audiometrist shall give audiometric tests with instruments meeting the standards established by the American Standards Association. Subject to Section 16483 of the Education Code, such tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools for otologic examinations, and in official public health otological diagnostic clinics.

Registration. Certificates

1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists. The said state board shall prescribe such qualifications as may be necessary for the testing of the hearing of school children.

Candidates for registration who present evidence of satisfactory experience of at least two years in the testing of hearing of school children in public or parochial schools or other tax maintained institutions of this State, or who present evidence of having satisfactorily completed a course in audiometry in a recognized university, college or institute in this State, may be issued certificates of registration without further examination.

The said state board shall require a registration fee not to exceed three dollars ($3).

SEC. 19. The title of Division 3 of said code is amended to read:

DIVISION 3. PEST ABATEMENT

SEC. 20. Division 4, comprising Sections 3000 to 3355, inclusive, is added to said code, to read:

DIVISION 4. COMMUNICABLE DISEASE PREVENTION AND CONTROL

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

"Health officer"

3000. "Health officer," as used in this division, includes county, city, and district health officers, and city and district health boards, but does not include advisory health boards.

"Venereal diseases"

3001. As used in this division, "venereal diseases" means syphilis, gonorrhea, chancroid, lymphopathia venereum, and granuloma inguinale.

CHAPTER 2. FUNCTIONS OF STATE DEPARTMENT

Quarantine Places

3050. The state department may establish and maintain places of quarantine or isolation.

Same Persons, etc.

3051. The state department may quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment such action is necessary to protect or preserve the public health.

Destruction of contaminated objects, animals, etc

3052. The state department may destroy such objects as bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is in its judgment, an imminent menace to the public health.

Investigation

3053. Upon being informed by a health officer of any contagious, infectious, or communicable disease the state department may take such measures as are necessary to ascertain the nature of the disease and prevent its spread. To that end, the state department may, if it considers it proper, take possession or control of the body of any living person, or the corpse of any deceased person.

Chapter 3. Functions of Health Officers

Prevention of epidemic or recurrence

3110. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the Board of Public Health, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his jurisdiction, shall take such measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

Orders, etc., of state department

3111. Each health officer shall enforce all orders, rules, and regulations concerning quarantine or isolation prescribed or directed by the state department.

Quarantine Places

3112. Each health officer, whenever required by the state department, shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the state department.

Limitation

3113. No quarantine shall be established by a county or city against another county or city without the written consent of the state department.

State department directives

3114. Whenever in the judgment of the state department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the state department, do the following:

(a) Quarantine or isolate and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the state department.

(b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the state department, an imminent menace to the public health.

When the property is destroyed pursuant to this section, the governing body of the locality in which the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby.

Strict isolation, etc

3115. Upon receiving information of the existence of contagious, infectious, or communicable disease for which the state department may from time to time declare the need for strict isolation or quarantine, each health officer shall:

(a) Insure the adequate isolation of each case, and appropriate quarantine of the contacts and premises

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department, in carrying out the quarantine or isolation.

3116. When quarantine or strict isolation is established by a health officer, all persons shall obey his rules, orders, and regulations.

Persons

3117. A person subject to quarantine or strict isolation, residing or in a quarantined building, house, structure, or other shelter, shall not go beyond the lot upon which the building, house, structure, or other shelter is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the physician, the health officer or persons authorized by the health officer.

Schools

3118. No instructor, teacher, pupil, or child who resides where any contagious, infectious, or communicable disease exists or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal, or teacher of any college, seminary, or public or private school to attend the college, seminary, or school, except by the written permission of the health officer.

Raising of quarantine

3119. No quarantine shall be raised until every exposed room, together with all personal property in the room, has been adequately treated, or, if necessary, destroyed, under the direction of the health officer; and until all persons having been under strict isolation are considered noninfectious.

Diseases transmitted by milk, dairies, etc.

3120. When there occurs in the household of any dairy worker, milkman, milk dealer, milk distributor, creamery worker, or pasteurizing plant operator, a case or a suspected case of diphtheria, salmonellosis, shigellosis (dysentery), typhoid fever, streptococcal infection, or any other disease known to be or suspected of being transmitted by milk, the sale or distribution of milk from those premises shall be prohibited unless written authorization for its sale or distribution is given by the health officer.

A case or suspected case of any disease known to be transmitted by milk which occurs in the household of any of the above-mentioned persons, shall be reported immediately to the health officer.

Reports Epidemic

3121. In the case of a local epidemic of disease, the health officer shall report at such times as are requested by the state department all facts concerning the disease, and the measures taken to abate and prevent its spread.

Diseases

3122. Each health officer shall immediately report by telegraph or telephone to the state department every discovered or known case or suspect case of those diseases designated for immediate reporting by the state department. Within 24 hours after investigation each health officer shall make such reports as the state department may require.

Quarantine, etc State department rules

3123. The state department may establish a list of reportable diseases and this list may be changed at any time by the

state department. Those diseases listed as reportable shall be properly reported as required to the state department by the health officer.

The state department may from time to time adopt and enforce rules and regulations requiring isolation (strict or modified) or quarantine for any of the contagious, infectious, or communicable diseases if in the opinion of the state department such action is necessary for the protection of the public health.

The health officer may require isolation (strict or modified) or quarantine for any case of contagious, infectious, or communicable disease when such action is necessary for the protection of the public health.

Reports Health officer

3124. Each health officer, other than a county health officer, in the county shall transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported, and their location.

Physician, etc

3125. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living, or visiting any sick person, in any hotel, lodginghouse, house, building, office, structure, or other place where any person is ill of any infectious, contagious, or communicable disease, shall promptly report that fact to the health officer, together with the name of the person, if known, the place where he is confined, and the nature of the disease, if known.

CHAPTER 4. VENEREAL DISEASE

Article 1. Prevention and Control

Program

3180. The state department shall develop and review plans and provide leadership and consultation for, and participate in, a program for the prevention and control of venereal disease.

Department cooperation with physicians, etc

3181. The state department shall cooperate in the prevention, control, and cure of venereal diseases with physicians and surgeons; medical schools; public and private hospitals, dispensaries, and clinics; public and private school, college and university authorities; penal and charitable institutions; reform and industrial schools; detention homes; federal, state, local and district health officers, and boards of health, and all other health authorities; institutions caring for the mentally ill; and with any other persons, institutions, or agencies.

Investigations, etc

3182. The state department shall investigate conditions affecting the prevention and control of venereal diseases and approved procedures for such prevention and control, and shall disseminate educational information relative thereto.

Education and publicity

3183. The state department shall conduct such educational and publicity work as it may deem necessary; and, from time to time, shall cause to be issued, free of charge, copies of such rules and regulations, pamphlets, and other literature as it deems reasonably necessary.

Clinics, etc. 3184. The state department may establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal diseases, and may provide medical, advisory, financial, or other assistance to such clinics, dispensaries, and stations as may be approved by it. No clinic, dispensary, or prophylactic station shall be approved unless it meets the requirements of the board and complies with its rules and regulations.

Rural counties and cities 3185. The state department may furnish treatment for a case or for a group of cases in rural counties or cities upon the recommendation of the local health officer if adequate facilities for such treatment are not available in the county or city.

Acute cases 3186. Any state agency conducting a public hospital shall admit acute venereal disease cases, when, in the opinion of the state department or the local health officer having jurisdiction, persons infected with venereal disease may be a menace to public health.

Physician to submit specimen 3187. The state department may require any physician in attendance on a person infected or suspected of being infected with a venereal disease infection to submit such specimens as may be designated for examination, when in its opinion such procedure is reasonably necessary to carry out the provisions and purposes of this article.

Place of examinations 3188. The examination may be made in the state laboratory or in a local public health laboratory designated by the state department or in a clinical laboratory which is under the immediate supervision and direction of a clinical laboratory technologist or a licensed physician and surgeon

Additional examination 3189. Nothing in this article limits any person's freedom to have additional examinations made elsewhere than specified in this article.

Diseased persons information 3190. Every diseased person shall give all information required by this article, including the name and address of any person from whom the disease may have been contracted and to whom the disease may have been transmitted.

Periodic examination 3191. Every diseased person shall from time to time submit to approved examinations to determine the condition of the disease.

Control measures 3192. If any person subject to proper venereal disease control measures discontinues any control procedure required by this article, the agency administering the procedure prior to such discontinuance shall make reasonable efforts to determine whether such person is continuing to comply with the procedure elsewhere.

Report of cases failing to comply 3193. If it appears reasonably likely that such person is not complying with such procedure elsewhere, the agency which was administering the procedure prior to the discontinuance shall make all reasonable efforts to induce such person to comply; and if it thereafter appears reasonably likely that he has failed to comply, shall report his name and address to

the local health officer or board of health, or to the state department where there is no such local health officer or board.

Local health officers

3194. It is the duty of the local health officers to use every available means to ascertain the existence of cases of infectious venereal diseases within their respective jurisdictions, to investigate all cases that are not, or probably are not, subject to proper control measures approved by the board, to ascertain so far as possible all sources of infection, and to take all measures reasonably necessary to prevent the transmission of infection.

Inspection and quarantine

3195. Local health officers may inspect and quarantine any place or person when such procedure is necessary to enforce the rules and regulations of the board or the state department.

Prosecution by district attorney

3196 It is the duty of the district attorney of the county in which a violation of this article may occur to prosecute the person accused of the violation.

Competent testimony

3197. In any prosecution for a violation of any provision of this article, or any rule or regulation of the board made pursuant to this article, or in any quarantine proceeding authorized by this article, or in any habeas corpus or other proceeding in which the legality of such quarantine is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such prosecution or other proceeding was instituted, and the provisions of subsections 1 and 4 of Section 1881 of the Code of Civil Procedure shall not be applicable to or in any such prosecution or proceeding.

Violations Misdemeanor

3198. Any person who refuses to give any information to make any report, to comply with any proper control measure or examination, or to perform any other duty or act required by this article, or who violates any provision of this article or any rule or regulation of the state board issued pursuant to this article, or who exposes any person to or infects any person with any venereal disease; or any person infected with a venereal disease in an infectious state who knows of such condition and who marries or has sexual intercourse, is guilty of a misdemeanor.

Exception

3199. Nothing in this article shall be construed to interfere with the freedom of any adherent of teachings of any well-recognized religious sect, denomination, or organization to depend exclusively upon prayer for healing in accordance with the teachings of such religious sect, denomination, or organization. Any such person, along with any person treating him, shall be exempt from all provisions of this article regarding venereal diseases, except that the provisions of this code and the rules and regulations of the board regarding compulsory reporting of communicable diseases and the quarantine of such diseases, and regarding callings in which a person with venereal disease may not engage, shall apply.

Article 2. Prenatal Syphilitic Tests

"Approved laboratory"

3220. "Approved laboratory" as used in this article means a laboratory approved by the state department, or any other laboratory the director of which is licensed by the state department according to law.

"Standard laboratory blood test"

3221. "Standard laboratory blood test" as used in this article means a test for syphilis approved by the state department.

Blood specimen

3222. Every licensed physician and surgeon or other person engaged in prenatal care of a pregnant woman, or attending such woman at the time of delivery, shall obtain or cause to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter.

Submission for test

3223. The blood specimen thus obtained shall be submitted to an approved laboratory for a standard laboratory test for syphilis.

Designation of specimen

3224. In submitting a specimen to a laboratory the physician shall designate it as a prenatal test or a test following recent delivery.

Report form

3225. The state department shall issue a "prenatal test laboratory report form" to be distributed upon application to all laboratories approved to do tests required by this article.

Same: Triplicate copies

3226. Any laboratory doing a test required by this article shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate shall be forwarded at weekly intervals to the state department.

The triplicate shall be retained by the laboratory in its file, and shall be open at any time for inspection by an authorized representative of the state department.

Reports confidential

3227 All laboratory reports are confidential, and are not open to public inspection.

Accuracy of test

3228. In case of question concerning the accuracy of a test required by this article, it is mandatory upon the state department to accept specimens for checking purposes from any district in the State.

Violation Misdemeanor

3229. Any licensed physician and surgeon, or other person engaged in attendance upon a pregnant woman or a recently delivered woman, or any representative of a laboratory who violates any provision of this article, is guilty of a misdemeanor. However, a licensed physician and surgeon, or other person engaged in attendance upon a pregnant or recently delivered woman, whose request for a specimen is refused, is not guilty of a misdemeanor for failure to obtain it.

CHAPTER 5. TUBERCULOSIS

Program

3279. The department shall maintain a program for the control of tuberculosis and shall administer the funds made available by the State for the care of tuberculosis patients.

3280. Pulmonary tuberculosis is an infectious and communicable disease, dangerous to the public health, and all proper expenditures that may be made by any county, pursuant to this chapter, are necessary for the preservation of the public health of the county. Pulmonary tuberculosis: Proper expenses

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed: Health officer

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the state department in carrying out such quarantine or isolation.

(c) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(d) Upon the making of an isolation or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(e) Upon the receipt of information that any quarantine or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such isolation or quarantine order, and of such violation or violations thereof.

3286. No examination or inspection shall be required of any person who depends exclusively on prayer for healing in accordance with the teachings of any well recognized religious sect, denomination or organization and claims exemption on such ground, except that the provisions of this code regarding compulsory reporting of communicable diseases and isolation and quarantine shall apply where there is probable cause to suspect that such person is infected with the disease in a communicable stage. Such person shall not be required to submit to any medical treatment, or to go to or be confined in a hospital or other medical institution; provided, he can be safely Exception

quarantined and/or isolated in his own home or other suitable place of his choice.

Records

3287. The department may inspect and have access to all records of all institutions and clinics, both public and private, where tuberculosis patients are treated.

Advice

3288. The department may advise officers of state educational, correctional, and medical institutions regarding the control of tuberculosis and the care of tuberculosis patients.

Subsidy

3294. Each city, county, or group of counties may establish and maintain a tuberculosis ward, hospital, or sanatorium for the treatment of persons suffering from tuberculosis. Each city or county that establishes and maintains a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum provided in Section 3300, and each county that participates jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital, or sanatorium shall receive from the State the sum specified in Section 3300, for persons suffering from tuberculosis, cared for therein at public expense, who are unable to pay for their support and who have no relatives legally liable and financially able to pay for their support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital, or sanatorium conforms to the regulations of and is approved by the state department.

Pay patients

The hospitals shall be allowed to receive pay patients.

Leased facilities for violation of order

3295. The state department shall lease any facilities it deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 3351 of the Health and Safety Code. The county referring such person for such care shall not be eligible to receive subsidy for such person under the provisions of this chapter, and the State shall deduct from the subsidy payments to be made to such county an amount computed at the rate of three dollars ($3) for each patient-day the person is cared for in such facility.

Burial expenses

3296. Whenever any person confined in any state institution, as provided in Section 3351 of this code, subject to the jurisdiction of the Director of Corrections, dies, and any personal funds or personal property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars ($300) to the payment of expenses relating to burial; provided, however, that if no such funds are available, the State Department of Public Health shall reimburse the Director of Corrections for such expenses in an amount not exceeding three hundred dollars ($300).

Release

3297. If the place of confinement of a person confined under the provisions of Section 3351 is in a county other than the county in which he was convicted, upon release he shall be released in the custody of the sheriff of the county in which he was convicted, and the sheriff shall forthwith return him to the place where he was convicted. The sheriff shall prior to the

return of the person notify the health officer having jurisdiction of the area to which he will be returned of the date he will reach said area.

State aid for city or county

3298. Each city or county shall receive from the State the sum provided in Section 3300 of this code for each person suffering from tuberculosis, cared for at public expense in private hospitals or sanatoriums under contract with the city or county or who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support; except that the city or county is not entitled to receive this state aid unless the tuberculosis ward, hospital or sanatorium conforms to the regulations of and is approved by the state department.

The hospitals and sanatoriums shall be allowed to receive pay patients.

Subsidy report

3299. The medical superintendent of each hospital for which state aid is received under this chapter shall render semiannually to the state department a report under oath showing, for the period covered by the report:

(a) The number of patients suffering from tuberculosis cared for at public expense, and unable to pay for care.

(b) The number of days of treatment of each such patient.

In the case of hospitals, wards, or sanatoriums operated jointly by two or more counties, the patients whose admission and care have been authorized by each county shall be reported separately.

Patient exchange

With the consent of the respective cities, counties, or groups of counties, an exchange of patients may be arranged without expense to the county except for transportation when the exchange seems necessary or desirable to assist in the patients' recovery.

County contract

Counties may contract for the care and treatment of tuberculosis patients through their boards of supervisors, after consultation with the state department, with cities, counties, or groups of counties, who maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis, which conforms to the regulations of, and is approved by, the state department, and may receive from the State the tuberculosis subsidy provided by Section 3300.

Amount of subsidy

3300. The amount of the tuberculosis subsidy provided by the State to cities or counties separately providing care under this chapter for persons suffering from tuberculosis and the amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital or sanatorium shall be based upon the patient days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and sixty cents ($2.60) per patient day.

(b) For the second thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and thirty cents ($2.30) per patient day.

(c) For all patient days of care in excess of seventy-three thousand (73,000) patient days during a year, the amount shall be one dollar and seventy-five cents ($1.75) per patient day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

"Patient day"

As used in this section "patient day" means the period of in-patient service rendered a patient between the census taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

Legislative intent

3301. It is the intention of the Legislature to adjust from time to time state participation in the care of persons suffering from tuberculosis in accordance with changes in the cost of caring for such patients.

Hospital central committee

3302. Each group of counties desiring to establish and maintain a tuberculosis ward or hospital for the treatment of persons suffering from tuberculosis shall appoint, by its board of supervisors, one supervisor as a delegate, who shall attend the general meetings of the delegates of each county in the group. The necessary expense incurred in attending such meetings is a county charge. The body thus formed shall be called the hospital central committee.

Delegates

3303. Each group of counties maintaining a tuberculosis hospital under this chapter may by unanimous agreement provide for a different number of delegates to the hospital central committee than the number provided for in this chapter and may provide for a method of deciding a tie vote of the hospital central committee.

Depository

3304. The hospital central committee shall designate a county within the group maintaining the hospital as the place where the business of the hospital is to be transacted and where funds of the hospital are to be kept and deposited. All county officers selected for the business of the hospital shall render all necessary assistance required by the committee in keeping with the duties of their respective offices.

Cost

3305. The delegates from each county may enter into an agreement with delegates from the other counties, on behalf of the county appointing them, binding the county to the joint enterprise and apportioning the cost of constructing, establishing, and maintaining the hospital. Money due from any county under the agreement may be collected by the hospital central committee or, on its behalf, by the board of supervisors of any county in the group, by action in the county in which the hospital is situated.

Building committee

3306. The hospital central committee may appoint a committee to supervise the construction of the hospital, approve the bills, and do the usual things required of a building committee.

The hospital central committee is the governing body of the hospital. It has the same powers and duties in regard to the hospital that a board of supervisors has over a county hospital. It shall adopt rules for its government, which shall include provisions for holding meetings and for the addition of other counties to the group. It may appoint such committees as are necessary, and shall prescribe their duties. Powers of hospital central committee

3307. Any land required may be acquired or disposed of by the hospital central committee in such manner as may be determined by a three-fourths vote of its members, if all counties comprising a group shall have had notice of the intention to acquire or dispose of the land. Title to land may be held in the name of the entire group or in the name of any county composing the group, as trustee for the use and benefit of all, as may be determined by the hospital central committee. Land

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for its proportionate share of the expenses. The amounts when collected shall be paid into the cash revolving fund. Expenses

3309. The hospital central committee may determine and pass upon the right of admission to the hospital of applicants, subject to the limitations of this chapter. Admission of patients

CHAPTER 6. VIOLATIONS

3350. Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the state department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor. Violation Misdemeanor

3351. Any person who, after service upon him of an order of a health officer directing his isolation as provided in Section 3285, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided further, that upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court. Violation of order Confinement and probation

Subsequent conviction

3352. Upon any subsequent conviction under the provisions of Section 3351, the court may order the person confined for a period not exceeding one year for such subsequent conviction, or such other penalty as provided by said section.

Exposure: Misdemeanor

3353. Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself, and any person who wilfully exposes another person afflicted with such disease, is guilty of a misdemeanor.

Violation: Communicable or infectious disease

3354. Any person who violates any section in Chapter 3 of this division, with the exception of Section 3111, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment for a term of not more than 90 days, or by both. He is guilty of a separate offense for each day that the violation continued.

Prosecution by district attorney

3355. The district attorney of the county in which a violation of Sections 3285 and 3351 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute, as provided in Section 3351, violations of any isolation order of a health officer made and served as provided in Section 3285.

SEC. 21. Section 3701 of said code is amended to read:

Drinking cups: "Common use"

3701. For the purposes of this chapter the term "common use" when applied to a drinking receptacle is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department of Public Health.

Sterilization

SEC. 22. Section 3702 of said code is amended to read:

Water containers

3702. No cask, water cooler, or other receptacle shall be used for storing or supplying drinking water to the public or to employees unless it is covered and protected so as to prevent persons from dipping the water therefrom or contaminating the water. All such containers shall be provided with a faucet or other suitable device for drawing the water.

SEC. 23. Section 3801 of said code is amended to read:

Towel "Common use"

3801. For the purpose of this chapter the term "common use" when applied to a towel means its use by, or for, more than one person without its being laundered between consecutive uses of such towel by methods prescribed by or acceptable to the State Department of Public Health.

SEC. 24. Section 3901 of said code is amended to read:

Wiping rags

3901. No person shall supply or furnish to his employees for wiping rags, or sell or offer for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding, or soiled rags or cloths unless they have been sterilized by methods prescribed by or acceptable to the State Department of Public Health.

SEC. 25. Section 3954 of said code is amended to read:

3954. No machinery or appliances used for laundering clothing and articles for personal wear or household use shall be used for laundering soiled rags or soiled cloth material for wiping rags. Laundering

SEC. 26. Section 4001 of said code is amended to read:

4001. Unless water from an approved municipal supply is used in the manufacture of ice, the manufacturer shall obtain a bacterial analysis by an approved laboratory of the water used, quarterly. The analysis shall be submitted to the state or local department of public health, indicating whether the water is pure and wholesome. Water analysis

SEC. 27. Section 4002 of said code is amended to read:

4002. All tanks or containers storing water for the manufacture of ice shall be provided with covers which exclude all contamination or pollution of external origin. Tank covers

SEC. 28. Section 25003 of said code is amended to read:

25003. All applications for registration under this chapter shall be filed with the local health officer in the city, town, county, or city and county in which it is desired to carry on the business. The application shall state the name in full, if a partnership then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership, and shall state the exact location of the place at which it is proposed to dispose of cleanings. The application shall be signed by the authorized officer of a corporation, if a corporation; or by the managing partner, if a partnership. Application for registration

SEC. 29. Section 26235 of said code is amended to read:

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor. Adulterated drug. Components coloring, etc

SEC. 30. Section 26366.5 of said code is amended to read:

26366.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26366, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26368 and Petition

26369. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

SEC. 31. Section 26472 of said code is amended to read:

Adulterated food

26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration

(d) If any mineral oil has been added thereto or mixed or packed therewith.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoate of soda or any other chemical preservative, or any substance which is not approved by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal In-

dustry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other nonnutritive sweetening agent.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

SEC. 32. Section 26541 of said code is amended to read:

Optional ingredients

26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration or by the United States Department of Agriculture, Agricultural Research Service. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Internal Revenue Service, Alcohol and Tobacco Tax

Exception

Division, or other federal agency; provided, however, that the provisions of this section shall not apply to wine.

SEC. 33. Section 26542 of said code is amended to read:

State and federal regulation

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from the provisions of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the federal act or by the United States Department of Agriculture, Agricultural Research Service, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

Violations

SEC. 34. Section 26586.5 of said code is amended to read:

Petition for release

26586.5. If, within 30 days after detention or quarantine of any article under this article, the board has not commenced a proceeding under Section 26586, then the person in possession of such article, or the owner thereof or any claimant thereto, may commence a proceeding in the superior court of the county or city and county in which the article is detained or quarantined, by petitioning said court for a judgment to release said article or for relief under Sections 26588 and 26589. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the town, city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon the board by serving it upon the executive officer of said board. Service may be made by personal service or by registered mail addressed to the board at the office of the executive officer, Berkeley, California.

At the time set for the hearing the court shall commence to hear the proceeding but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented in the proceeding within 60 days after the date when the matter was first set for hearing.

SEC. 35. Section 28224 of said code is amended to read:

28224. No employee or other person who is infected with any contagious, infectious, or communicable disease, which can be transmitted by the food involved, shall work or be permitted to work in any bakery or handle any of the products therein or delivered therefrom. Diseased bakery personnel

Any person knowingly infected with any such contagious, infectious, or communicable disease who engages in the work mentioned, or any employer who knowingly employs such a person, is guilty of violating this section.

SEC. 36. Section 28295 of said code is amended to read:

28295. No employer shall require or permit any person to work, in a food processing establishment or vehicle used for the production, preparation, manufacture, sale, or transportation of food if the person is infected with any contagious, infectious, or communicable disease which can be transmitted by the food involved. Diseased food processing employees

SEC. 37. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible. Construction

---

CHAPTER 206

An act to amend Sections 137.3 and 137.5 of the Civil Code, relating to attorneys' fees in civil actions.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 137.3 of the Civil Code is amended to read:

137.3. During the pendency of any action for annulment in which costs and attorney's fees are authorized by Section 87 of this code and of any action for divorce or for separate maintenance, or for the custody, support, maintenance or education of children upon an order to show cause or motion, and if such relief is requested in the complaint, cross complaint or answer, the court may order the husband or wife, or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the action and for attorney's fees; and from time to time and before entry of judgment upon application as aforesaid, the Divorce, etc., actions Costs and fees

court may augment or modify the original award, if any, for costs and attorney's fees as may be reasonably necessary for the prosecution or defense of the action or any proceeding relating thereto. In respect to services rendered after the entry of judgment, upon application by an order to show cause or motion, the court may award such costs and attorney's fees as may be reasonably necessary to maintain or defend any subsequent proceeding therein, and may thereafter upon application as aforesaid augment or modify any award so made. Attorney's fees and costs within the provisions of this section may be awarded for legal services rendered or costs of action incurred prior, as well as subsequent, to any application or order of court therefor, including services rendered or costs incurred prior to the filing of the complaint Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary.

SEC. 2. Section 137.5 of said code is amended to read:

Attorney's fees

137.5. Whenever the court in any action for annulment, divorce or for separate maintenance or for the custody, support, maintenance and education of children, orders one of the parties to pay attorneys' fees for the benefit of the other for the prosecution or defense of the action, as the case may be, such fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. Any such order may be enforced by the court in the manner specified in Section 137.3 of this code.

CHAPTER 207

An act to amend Section 841 of the Probate Code, relating to the notice to be given for an order to lease real property.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 841 of the Probate Code is amended to read:

841. To obtain such an order, the executor or administrator, or any person interested in the estate, shall file a verified petition showing the advantage to accrue from giving the lease, a general description of the property proposed to be leased, and the term, rental and general conditions of the proposed lease. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Sections 1200 and 1201 of this code; provided, that if the will authorizes or directs the personal representative to lease property, the notice specified in Section 1201 is not required.

CHAPTER 208

An act to amend Section 1200.1 of the Probate Code, relating to administration of estates.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1200.1 of the Probate Code is amended to read:

1200.1. The notices provided to be given in Sections 327, 441 and 1200 of this code, and in all other cases in which notice is required in this code and no other type of notice is prescribed by law or by the court or judge, shall be in substantially the following form:

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE (CITY AND) COUNTY OF _____

Estate of A.B. Deceased

No.
Notice of Hearing
(If to be published, describe purport or character of the notice to be given)

Notice is hereby given that (name of petitioner and representative capacity, if any) has filed herein a (nature of petition, application, report or account), reference to which is made for further particulars, and that the time and place of hearing the same has been set for _____ (date) _____, at ___m., in the courtroom (of Department No. ___, if any) of said court, at (the courthouse, or state other location of the court), in the City of _____, California.

Dated _____.

_____, Clerk
By _____, Deputy Clerk

CHAPTER 209

An act to amend Section 859 of the Penal Code, relating to the assignment of counsel to defend indigent persons accused of crime.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense, over which the superior court has original jurisdiction, by a written complaint subscribed under oath

and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the judicial district in which the court is situated. The officer must, without delay and without fee, perform that duty. If the defendant desires and is unable to employ counsel, the court must assign counsel to defend him.

CHAPTER 210

An act to amend Section 607.6 of the Vehicle Code, relating to vehicular crossings.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 607.6 of the Vehicle Code is amended to read:

607.6. Department of Public Works May Maintain Towing Service. A towing service may be maintained on each vehicular crossing by the Department of Public Works and said department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Public Works shall prescribe and collect reasonable rates for towing services furnished. When any vehicle or object on any vehicular crossing, upon which towing service is maintained, is stopped for any reason and is obstructing or may obstruct traffic, such vehicle or object shall be towed by the towing service either to the nearest property of the California Toll Bridge Authority designated for the parking or storing of vehicles, or to a suitable parking location on a public street or highway and thereupon left in the custody of the owner or operator of such vehicle or object, or his agent, or, in the event no such owner, operator, or agent is present, or if such owner, operator, or agent so requests, to a public garage or off street parking facility. The Department of Public Works may prescribe the limits within which the towing service authorized herein shall be operated.

Notwithstanding the foregoing provisions, the department may furnish and deliver fuel to vehicles, the supply of which is exhausted, or change tires, and may charge a reasonable sum for the services and materials furnished, or if the department deems it safe and advisable, and the owner or operator of such vehicle or object so requests, it may be towed from the vehicular crossing as hereinabove provided.

CHAPTER 211

An act to amend Section 21189 of the Water Code, relating to officers and employees of irrigation districts.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 21189 of the Water Code is amended to read:

21189. The board may adopt and carry into effect a contract or contracts of group insurance, a system of group annuities, a system of medical and hospital service, or any two or more of these, for the benefit of such of the officers, including directors, and employees of the district as accept the same and who have authorized the board to make any necessary deductions from their compensation for the payment of a portion of the premium thereon. Contracts of group insurance, systems of group annuities, or systems of medical and hospital service, which include benefits to dependents of officers and employees or retired officers and employees are contracts of group insurance, systems of group annuities, or systems of medical and hospital service for the benefit of officers and employees for the purposes of this section. The board may make such deductions, and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portion of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for a contract or contracts of group insurance, a system of group annuities, or a system of medical and hospital service, or any two or more of these, with any private or public agency, nonprofit membership corporation, or any insurance company or agent authorized by or pursuant to law to transact such business within this State. Nothing in this section shall be construed to limit the provisions of Chapter 250, Statutes of 1939, or of Section 1157 of the Government Code insofar as such provisions apply to districts and officers and employees thereof.

CHAPTER 212

An act to amend Section 1080 of the Agricultural Code, relating to pesticides.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1080 of the Agricultural Code is amended to read:

1080. The director after investigation and hearing shall adopt rules and regulations governing the application, in pest control or other agricultural operations, of any materials which he finds and determines to be injurious to persons, animals, or crops, other than the pest or vegetation which it is intended to destroy.

Such rules and regulations shall prescribe the time when and the conditions under which such materials may be used in different areas of the State, and may provide that such materials shall be used only under permit of the commissioner, or under his direct supervision, in certain areas, or under certain conditions, or when used in excess of certain quantities or concentrations.

Hearings prior to the adoption of rules and regulations under this section shall be held in Sacramento and Los Angeles.

It is unlawful for any person to apply any injurious material for which rules and regulations have been adopted except as provided in such rules and regulations. Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the person or property of another caused by the use of such injurious material.

Notwithstanding anything in this section or article contained, the provisions thereof shall not apply to agencies of the United States or of the State of California, or to the officers, agents or employees of either acting within the scope of their authority, while engaged in or conducting or supervising research on any such materials.

CHAPTER 213

An act to amend Sections 304 and 305 of the Vehicle Code, relating to revocation of driving privileges.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 304 of the Vehicle Code is amended to read:

Revocation of operator's license. Crimes or offenses

304. Grounds Requiring Revocation by Department. (a) The department shall immediately revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Driving when addicted to the use, or under the influence of a narcotic drug under Section 506 (a) hereof.

(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) Upon three or more convictions upon violation of Sections 481, or 505 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(5) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 307.

(b) The privilege revoked under subdivision (a) hereof shall not be renewed until the expiration of one year after the date of such revocation and until the person whose privilege was so revoked gives proof of ability to respond in damages as provided in this code.

SEC. 2. Section 305 of said code is amended to read:

305. Revoking Driving Privilege of Juvenile Offenders. Same: 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) 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.

(4) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

(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 214

An act to add Section 206.1 to the Revenue and Taxation Code, relating to the church exemption from taxation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 206.1 is added to the Revenue and Taxation Code, to read:

206.1. All real property necessarily and reasonably required and exclusively used for the parking of automobiles of persons while attending religious services, or engaged in religious services or worship, or engaged in any religious activity, whether or not the real property is contiguous to the land on which is erected the church or other structure used for the religious service or as the place of worship or religious activity and which real property is owned by the church or religious denomination or sect using the same for the parking of automobiles as aforesaid, and which real property is not at other times and which during the 12 months immediately preceding an application for tax exemption has not been used for commercial purposes, or from which during said period no income or profit has been derived from the use or rental of said real property, is exempt from taxation.

It is the intent and purpose of this section to clarify the provisions of Article XIII, Section 1½ of the Constitution as amended on November 6, 1956.

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 amendment of Article XIII, Section 1½, of the Constitution, passed by the electorate in November, 1956, did not clearly delineate the extent of the church exemption as applied to parking facilities. Because of the probability of divergence in interpretation of the aforesaid amendment by the different counties throughout the State an immediate clarification is imperative, so that the public policy of the State as expressed in the Constitution will be uniformly interpreted and applied throughout the State. Authority for legislative enactment on the subject embraced in this act is clearly given in the amendment where it is stated "* * * until the Legislature shall otherwise provide by law * * *."

CHAPTER 215

An act to amend Sections 18001, 18002, 18003, 18004, 18005, 18006, 18007, 18008, and 18011 of Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.] In effect immediately

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

SECTION 1. Section 18001 of the Revenue and Taxation Code is amended to read:

18001. Subject to the following conditions, residents shall be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to another state on income taxable under this part: Tax credit Resident

(a) The credit shall be allowed only for taxes paid to the other state on income derived from sources within that state which is taxable under its laws irrespective of the residence or domicile of the recipient

(b) The credit shall not be allowed if the other state allows residents of this State a credit against the taxes imposed by that state for taxes paid or payable under this part.

(c) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the taxpayer's entire income upon which the tax is imposed by this part.

SEC. 2. Section 18002 of the Revenue and Taxation Code is amended to read:

18002. Subject to the following conditions, nonresidents shall be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to the state of residence on income taxable under this part: Same. Nonresident

(a) The credit shall be allowed only if the state of residence either does not tax income of residents of this State derived from sources within that state or allows residents of this State a credit against the taxes imposed by that state on such income for taxes paid or payable thereon under this part.

(b) The credit shall not be allowed for taxes paid to a state which allows its residents a credit against the taxes imposed by that state for income taxes paid or payable under this part irrespective of whether its residents are allowed a credit against the taxes imposed by this part for income taxes paid to that state.

(c) Credit shall be allowed only for such proportion of the taxes paid to the state of residence as the income taxable under this part and also subject to tax in the state of residence bears to the entire income upon which the taxes paid to the state of residence are imposed.

(d) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the

state of residence and also taxable under this part bears to the entire income taxable under this part.

SEC. 3. Section 18003 of the Revenue and Taxation Code is amended to read:

Estate or trust: Residence

18003. For the purposes of this article an estate or trust is considered a resident of the state which taxes the income of the estate or trust irrespective of whether the income is derived from sources within that state.

SEC. 4. Section 18004 of the Revenue and Taxation Code is amended to read:

Tax credit. Estate or trust

18004. If an estate or trust is a resident of this State and also a resident of another state, it shall notwithstanding the limitations contained in Sections 18001 and 18002, be allowed a credit against the taxes imposed by this part for net income taxes imposed by and paid to the other state, subject to the following conditions:

(a) Credit shall be allowed only for such proportion of the taxes paid to the other state as the income taxable under this part and also subject to tax in the other state bears to the entire income upon which the taxes paid to the other state are imposed.

(b) The credit shall not exceed such proportion of the tax payable under this part as the income subject to tax in the other state and also taxable under this part bears to the entire income taxable under this part.

SEC. 5. Section 18005 of the Revenue and Taxation Code is amended to read:

Same. Resident beneficiary

18005. A resident beneficiary of an estate or trust who is taxable on the income of the estate or trust under Chapter 9 of this part shall, subject to the following conditions, be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the estate or trust to another state on such income:

(a) Credit shall be allowed only for such proportion of the tax paid to the other state by the estate or trust as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other state bears to the entire income of the estate or trust upon which the taxes paid to the other state were imposed.

(b) The credit shall not exceed such proportion of the tax payable under this part as the income of the estate or trust which is taxable to the beneficiary under this part and also taxed to the estate or trust in the other state bears to the beneficiary's entire income upon which the tax is imposed by this part.

SEC. 6. Section 18006 of the Revenue and Taxation Code is amended to read:

Tax credit: Partnership members

18006. (a) A member of a partnership who is taxable on the income thereof shall, subject to the conditions prescribed in (b) and (c), be allowed a credit against the taxes imposed by this part on such income for net income taxes paid by the partnership to another state on such income.

(b) Credit shall be allowed only for such proportion of the tax paid to such other state by the partnership as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state bears to the entire income of the partnership upon which the taxes paid to such other state were imposed.

(c) The credit shall not exceed such proportion of the tax payable under this law as the income of the partnership which is taxable to the partner under this law and also taxed to the partnership in such other state bears to the partner's entire income upon which the tax is imposed by this law.

SEC. 7. Section 18007 of the Revenue and Taxation Code is amended to read:

18007. If any taxes paid to another state for which a taxpayer has been allowed a credit under this article are at any time credited or refunded to the taxpayer, the taxpayer shall immediately report that fact to the Franchise Tax Board. Same Refunds

SEC. 8. Section 18008 of the Revenue and Taxation Code is amended to read:

18008. A tax equal to the credit allowed for the taxes credited or refunded by the other state is due and payable from the taxpayer upon notice and demand from the Franchise Tax Board.

SEC. 9. Section 18011 of the Revenue and Taxation Code is amended to read:

18011. The credit against the taxes imposed by this part for net income taxes paid to another state shall not be allowed to any taxpayer or any class of taxpayers if the allowance of the credit will result in an invalid or illegal discrimination against another taxpayer or another class of taxpayers. Same Illegal or invalid discrimination

SEC. 10. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

CHAPTER 216

An act to add Section 72053.5 to the Government Code, relating to officers and employees of municipal courts.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.] In effect September 11, 1957

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

SECTION 1. Section 72053.5 is added to the Government Code, to read:

72053.5. In addition to salary, a judge, commissioner, or clerk of the municipal court shall be allowed any registration fee or other charge necessarily incurred in connection with any convention, school, conference, or meeting at which his attendance is authorized by the board of supervisors, and he shall also be allowed his necessary traveling expenses which shall be computed at the same rate for each mile traveled that is authorized by the board of supervisors as travel expense for officers of the county.

CHAPTER 217

An act to amend Section 330.24 of the Civil Code, relating to the sale of water by mutual water companies to county fire protection districts.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 330.24 of the Civil Code is amended to read:

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. 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; and provided further, that any such corporation may enter into a contract with a county fire protection district to furnish water to fire hydrants and for fire suppression or fire prevention purposes at a flat rate per hydrant or other connection. 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.

CHAPTER 218

An act to amend Section 28103 of the Government Code, relating to jurors' fees in counties of the third class.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 28103 of the Government Code is amended to read:

28103. In a county of the third class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office seven thousand eight hundred dollars ($7,800) a year. 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.

The fees of trial jurors in the superior court are five dollars ($5) and necessary common carrier fare for each day's attendance upon the court and a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. The fees of grand jurors are ten dollars ($10) for each day's attendance at a session of the grand jury and mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attending sessions.

Fees of jurors for services rendered in any calendar month are payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the superior court as to trial jurors.

CHAPTER 219

An act to amend Section 5392 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5392 of the Streets and Highways Code is amended to read:

5392. The superintendent of streets shall, at any time, receive the amount due upon any assessment and warrant heretofore or hereafter issued by him and give a good and sufficient discharge therefor, except that after 30 days after the date of recording the warrant the superintendent of streets shall not receive any amount due upon any unpaid assessments for which the legislative body has provided for the issuance of bonds to represent said unpaid assessments. The legislative body may prescribe by ordinance that the duties imposed by this section on the superintendent of streets shall be performed only by the treasurer.

CHAPTER 220

An act to add Section 53607 to the Government Code, relating to funds of local agencies.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.] In effect September 11, 1957

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

SECTION 1. Section 53607 is added to the Government Code, to read:

53607. The authority of the legislative body to invest or to reinvest funds of a local agency, or to sell or exchange securities so purchased, may be delegated by the legislative body to the treasurer of the local agency, who shall thereafter assume full responsibility for such transactions until such time as the delegation of authority is revoked, and shall make a monthly report of such transactions to the legislative body.

CHAPTER 221

An act to add Section 5510.1 to the Streets and Highways Code, relating to Improvement Act of 1911.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 5510.1 is added to the Streets and Highways Code, to read:

5510.1. The expense of any county treasurer in issuing any new bonds and in carrying out any reassessment shall be paid by the city conducting the assessment proceedings.

CHAPTER 222

An act to amend Section 476a of the Penal Code, relating to making, drawing, or uttering checks, drafts or orders without sufficient funds.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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, wilfully, 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, drawing, 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 Section 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 Section 470, 475, or 476 of this code or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this State, would have been punishable as a violation of Section 470, 475 or 476 of this code or of this section of this code or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this State, it would have been a violation also of Section 470, 475, or 476 of this code, or of this section.

(c) Where such check, draft, or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with such bank or depositary, or person, or firm, or corporation.

(d) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depositary or person or firm or corporation for the payment of such check, draft or order.

(e) 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 223

An act to amend Section 72757 of the Government Code, relating to municipal courts in Los Angeles County.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 72757 of the Government Code is amended to read:

72757. In each municipal court district having not more than five judges nor less than two judges authorized by law, a jury and traffic commissioner may be appointed by and hold office at the pleasure of the majority of the judges, or the senior judge in service in a municipal court district having two judges.

CHAPTER 224

An act to amend Section 72707 of the Government Code, relating to the Secretary and Jury Commissioner of the Municipal Court of the Los Angeles Judicial District.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 72707 of the Government Code is amended to read:

72707. The judges of the municipal court shall appoint a secretary and jury commissioner, who shall act as executive assistant to the presiding judge and who shall hold office at the pleasure of the judges. He shall possess the same qualifications as the law requires of a judge of the court and receive an annual salary which is one thousand two hundred dollars ($1,200) in excess of that specified in Section 72706 for a commissioner of the municipal court.

He shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts. In addition and without extra compensation, he may be appointed and serve as a general commissioner of the court as provided in Section 72706. He shall be a member of any retirement system which includes attaches of the court.

CHAPTER 225

An act to add Sections 14740.4, 14740.5, and 14740.6 to the Education Code, relating to school district retirement systems, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 14740.4 is added to the Education Code, to read:

Distribution without probate: Payment

14740.4. If any benefit is payable by a district retirement 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 said 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:

(a) Husband or wife.
(b) Children and issue of deceased children by right of representation.
(c) Father and mother.
(d) Brothers and sisters.
(e) Nieces and nephews.

SEC. 2. Section 14740.5 is added to said code, to read:

Same Affidavit

14740.5. No payment shall be made to persons included in any group specified in Section 14740.4, if at the date of death of any person or persons to whom any benefit is payable by a district retirement system there are living persons in any of the groups preceding it, as listed. Payment to the persons in any group, upon receipt from them of an affidavit upon a form supplied by the system, that there were no surviving individuals in the groups preceding it and that the estate of the deceased will not be probated, is in full discharge of the liability of the board and system on account of the death.

SEC. 3. Section 14740.6 is added to said code, to read:

Same Funeral expenses

14740.6 If any benefit is payable by a district retirement system to the estate of a deceased person, and the estate would not be probated if no amount were due from said system, but there is no surviving person in any of the groups specified in Section 14740.4, or if the designated beneficiary cannot be found by the system, the system 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 said 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 system may require. Payment so made is in full discharge of the liability of the board and system for the amount so paid.

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:

Application of the state law providing for school district retirement plans or systems has raised a number of questions relating to payment of death benefits, pro rata retirement allowances, and other amounts payable, without probate of deceased's estate at an expense which is disproportionate to amounts payable, thus depriving next of kin and creditors of their rights under the retirement systems. It is necessary that this act take effect immediately.

CHAPTER 226

An act to amend Section 544 of the Vehicle Code, relating to traffic laws.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 544 of the Vehicle Code is amended to read:

544. Turning Movements and Required Signals. (a) No person shall turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein in the event any other vehicle may be affected by such movement.

(b) Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle on a highway without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

CHAPTER 227

An act to add Section 86.5 to the Vehicle Code, relating to traffic laws.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 86.5 is added to the Vehicle Code, to read:

86.5. "Limit Line." A "limit line" is a solid white line not less than 12 nor more than 24 inches wide, extending across a roadway or any portion thereof to indicate the point at which traffic is required to stop in compliance with legal requirements.

CHAPTER 228

An act to amend Section 6731 of, and to add Section 6737.1 to, the Business and Professions Code, relating to civil engineering.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 6731 of the Business and Professions Code is amended to read:

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation and/or submission of designs, plans and specifications and engineering reports.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein, and geodetic, municipal and topographic surveying.

SEC. 2. Section 6737.1 is added to said code, to read:

6737.1. This chapter does not prohibit the preparation of plans, drawings, specifications, estimates, or instruments of service by any person not registered as a professional (civil) engineer for:

(a) Single or multiple dwellings not more than two stories and basement in height.

(b) Garages or other structures appurtenant to buildings described under subdivision (a) of this section.

(c) Farm or ranch buildings.

(d) Any one-story building where the span between bearing walls does not exceed twenty-five (25) feet; provided, however, that the exemption in this subdivision does not apply to a steel frame or concrete building.

CHAPTER 229

An act to add Section 5360.1 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5360.1 is added to the Streets and Highways Code, to read:

5360.1. It shall be the duty of the superintendent of streets and the legislative body to include in the assessment all incidental expenses including, but not limited to, the treasurer's estimated cost of printing, servicing and collecting any bonds. In the event such estimated cost or any portion thereof is not included in the assessment, the city shall be liable for payment thereof to the treasurer.

CHAPTER 230

An act to add Section 6441.1 to the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 6441 1 is added to the Streets and Highways Code, to read:

6441.1. If a remittance to cover a payment of interest or interest and principal to be made to the treasurer prior to a certain date and hour before being delinquent is sent through the United States mail, it shall be treated by the treasurer as if it had been received on the date and time shown by the post-office cancellation mark stamped upon the envelope containing the remittance.

The treasurer need not accept such a payment if it is received more than 10 days after the date and time set by law for the payment. This section shall not apply if the letter containing the payment was incorrectly addressed.

CHAPTER 231

An act to add Sections 669 and 670 to, and to repeal Section 674 of, the Elections Code, relating to publication of the list of election officers and polling places.

In effect September 11, 1957

[Approved by Governor April 23, 1957. Filed with Secretary of State April 24, 1957.]

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

SECTION 1. Section 669 is added to the Elections Code, to read:

Publication Election officer and polling place

669. In each county where the board of supervisors determines that the public interest, convenience and necessity require the local publication of the list of the names of election officers appointed and polling places designated for each election precinct in order to afford adequate notice of this subject to the electorate, publication of this list shall be made as provided in this section and Section 670.

After such determination, the board of supervisors shall divide and distribute the list of election officers and polling places and cause the same to be published in newspapers of general circulation published in different places in the county as hereinafter provided for two issues, the last publication to be at least one week before the day of election.

Divisions of the list of names of the election officers and polling places may be published in that daily newspaper of general circulation published or circulated in one or more in-

corporated cities in the county, with the exception of the county seat, which it is determined will give to the electorate in each such city adequate notice of the election. If there is no such daily newspaper, publication may be made in a semiweekly newspaper, a triweekly newspaper, or a weekly newspaper of general circulation which it is determined will give the electorate in the city adequate notice of the election.

The list of names of the election officers appointed and polling places designated for various portions of the unincorporated area of the county and of the county seat may be published in those daily, semiweekly, triweekly or weekly newspapers of general circulation published or circulated within the various portions of the unincorporated area and the county seat, deemed by the board of supervisors to be those newspapers which will give adequate notice of the election to the voters of the respective portions of the unincorporated area and the county seat.

SEC. 2. Section 670 is added to the Elections Code, to read:

670. The board of supervisors shall let the contracts for publication pursuant to Section 669 of the list of the names of election officers appointed and polling places designated for each election precinct, and shall determine the rate to be paid for the publication of such list or any portion thereof. Same Contracts

The publication rate shall be based on a common denominator of measurement for all newspapers and may be graduated according to circulation.

Such contracts for the publications shall include the publication of the proper portion of the list of precinct officers and polling places and all other items relating to that portion required by law to be published.

SEC. 3. Section 674 of the Elections Code is repealed. Repeal

---

CHAPTER 232

An act to validate the incorporation of cities incorporated on or after February 1, 1957, and on or prior to April 1, 1957, to validate matters pertaining to such cities, including acts of counties or any boards or officers thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1957. Filed with Secretary of State April 25, 1957.] In effect immediately

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

SECTION 1. As used in this act, "city" means any city for which an order of incorporation has been filed with the Secretary of State on or after February 1, 1957, and on or prior to April 1, 1957.

SEC. 2. Each city is hereby declared to have been legally organized and to be legally functioning as a city as of and subsequent to the date upon which an order of incorporation was filed for it with the Secretary of State.

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

SEC. 4. The incorporation of each city is hereby validated for purposes of assessment and taxation if the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed on or before April 1, 1957.

SEC. 5. (a) Every act, proceeding, and ordinance heretofore taken or adopted (either now in effect or hereafter to take effect) by each city or by any county, county officer or board with regard to such city, relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates or the property tax lien date of each city, or to the assessment or equalization of property or to the levy of taxes thereon or of tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

(b) Among the acts specifically validated by this act shall be the transfer of the duties of collection of city taxes to county assessor as provided in Section 51502 of the Government Code, providing the certified copy of the required ordinance is filed on or before the first day of April, 1957.

SEC. 6. (a) This act shall be limited to the correction of defects, irregularities, omissions, and ministerial errors in carrying out statutory provisions which the Legislature could have originally omitted from the law under which such acts or proceedings were taken; provided, that this act shall also operate to supply such legislative authorization as may be necessary to validate any such proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

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

(c) 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 or 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.

SEC. 7. As used in this act, "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 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. 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 newly incorporated cities;

(2) Public works and construction by newly incorporated cities 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, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population.

CHAPTER 233

An act to add Section 823.7 to the Agricultural Code, relating to apples, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.] In effect immediately

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

SECTION 1. Section 823.7 is added to the Agricultural Code, to read:

823.7. Notwithstanding the provisions of Sections 821 to 827, inclusive, of this chapter and in addition to such requirements, all varieties of Gravenstein apples intended for shipment to or sale within the North American Continent shall conform to the "Extra Fancy" or "Fancy" grades as defined in Section 821 of this chapter.

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 fact constituting such necessity is: In order that the protective provisions of this act apply to the shipment and marketing of the 1957 crop of Gravenstein apples, this act must take effect immediately.

CHAPTER 234

An act to amend Section 4861 of the Education Code, relating to membership of schools and county superintendents in educational organizations.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 4861 of the Education Code is amended to read:

4861. The governing board of any school district, the governing board of any junior college district may subscribe for membership for any school under its jurisdiction, and the county superintendent of schools with the approval of the county board of education may subscribe for membership in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education. The State Board of Education shall approve a list of societies, associations, and organizations in which membership may be taken. No payment shall be made out of school funds for membership in any society, association, or organization whose name does not appear in the list approved by the State Board of Education. The total amount paid on account of all such memberships for any school or for any county superintendent of schools shall not exceed the amount of the actual dues of the society, association, or organization during any school year.

CHAPTER 235

An act to amend Section 5096 of the Business and Professions Code, relating to accountants.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 5096 of the Business and Professions Code is amended to read:

5096. The board may waive the examination requirements contained in Section 5092 and issue a certificate as certified public accountant to any applicant who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, if the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article and the applicant also complies with the following:

(1) He shall be citizen of the United States, or have declared his intention of becoming a citizen, over the age of 21, and of good moral character.

(2) He must be a bona fide resident of California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice although not necessarily so engaged personally in California.

Any person who is the holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, and who applies to the board for a certificate as a certified public accountant under the provisions of this section shall be deemed to be practicing temporarily in this State on professional business incident to his regular practice elsewhere, as provided in Section 5060 of Article 5 of this chapter, until such time as the board shall notify him that his application under this section has been granted or rejected.

Any person who has filed an application under this section for a certificate as certified public accountant may, with the knowledge and approval of the board, engage in the practice of public accountancy in this State as a certified public accountant until such time as his application for a certificate may be granted or rejected.

CHAPTER 236

An act to amend Sections 24224, 24231 and 24246 of the Health and Safety Code, relating to air pollution control.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24224 of the Health and Safety Code is amended to read:

24224. The air pollution control officer shall observe and enforce, within his air pollution control district: Air pollution control officer. Duties

(a) The provisions of this chapter and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 of this chapter.

SEC. 2. Section 24231 of said code is amended to read:

24231. In enforcing the provisions of this chapter and all provisions of the Vehicle Code relating to the emission and control of air contaminants and the orders, regulations, rules, variances, and standards mentioned in Section 24224, the air pollution control officer of an air pollution control district is a peace officer. Powers

SEC. 3. Section 24246 of said code is amended to read:

24246. The air pollution control officer, during reasonable hours, for the purpose of enforcing or administering this chapter, or any provisions of the Vehicle Code relating to the emission or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers such entrance, or such stopping, detaining, or inspection of such vehicle, or who refuses to stop such a vehicle upon the lawful order of the air pollution control officer.

CHAPTER 237

An act to amend Section 24245 of the Health and Safety Code, relating to air pollution control.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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. The provisions of Section 24242 do not apply to smoke from fires:

(a) 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, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

CHAPTER 238

An act to amend Section 24265 of the Health and Safety Code, relating to air pollution control.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 24265 of the Health and Safety Code is amended to read:

24265. A permit shall not be required for:

(a) Any vehicle as defined in the Vehicle Code.

(b) Any structure designed for and used exclusively as a dwelling for not more than four families.

(c) An incinerator used exclusively in connection with such a structure.

(d) Barbecue equipment which is not used for commercial purposes.

(e) Equipment described in Section 24251; except that the Air Pollution Control Board of any county, any part of which lies south of the Sixth Standard Parallel South, Mount Diablo Base and Meridian, may at its discretion require operations described in Section 24251 (b) to obtain permits. The board may promulgate such rules and regulations, as herein provided for, but in no event shall a permit be denied an operator, operating orchard or citrus grove heaters, if such heaters produce unconsumed solid carbonaceous matter at the rate of one (1) gram per minute, or less.

(f) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

As used in this section, maintenance does not include operation.

This section does not limit the powers granted to the Air Pollution Control Board by Section 24260 and Section 24262 of this code.

CHAPTER 239

An act to add Section 24263.7 to the Health and Safety Code, relating to air pollution control.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24263.7 is added to the Health and Safety Code, to read:

24263.7. The air pollution control board by regulation may:

(a) Establish standards of performance for any article, device, equipment, or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code, for the purpose of eliminating, reducing or controlling the issuance of air contaminants.

(b) Prohibit the sale, offering for sale or installation of any article, device, equipment or method specifically designed or intended for installation or use upon or in any motor vehicle as defined in the Vehicle Code to eliminate, reduce, or control the issuance of air contaminants, unless such article, device, equipment or method is of a type which has been submitted to and approved by the air pollution control officer as meeting the minimum standard of performance as authorized in this

section. Upon approval the air pollution control officer shall issue a permit authorizing the sale, offering for sale or installation of any said approved article, device, equipment or method referred to in this section.

CHAPTER 240

An act to amend Section 205.5 of the Agricultural Code, relating to the Livestock Sanitary Committee.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 205.5 of the Agricultural Code is amended to read:

205.5. For the purpose of protecting the agricultural industry of this State and to coordinate livestock sanitary activities within this State and among the several states having common or similar problems in the field of livestock disease prevention, quarantine, eradication or control, there is hereby created a State Livestock Sanitary Committee

Said committee shall be comprised of three members who shall be appointed by the Governor and who shall serve for a term of two years and until their successors are appointed after the expiration of said term. One such member shall be recommended by the director to represent the official livestock sanitary services of the State and the other members shall be representatives of the livestock industry of the State. Any member who is not in the employ of the State shall be compensated at the rate of twelve dollars and fifty cents ($12.50) per diem for each day of official service rendered in behalf of the committee. Each member of the committee shall be allowed necessary traveling and incidental expenses incurred in the discharge of any of his duties under this section.

The State Livestock Sanitary Committee shall meet periodically with the livestock sanitary officials and/or duly authorized agricultural representatives of the several states and of the Federal Government and with members of any like committee from other states. The members of the State Livestock Sanitary Committee shall cooperate with the director and shall keep both the Governor and the director advised of important and significant developments in phases of work in connection with which the committee is appointed. All matters pertaining to budgetary allotments and fiscal procedures in connection with the work of the committee shall be handled by the department.

The provisions of this section shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 241

An act to amend Section 20330 of the Government Code, relating to the exemptions from membership in the State Employees' Retirement System.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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:

(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.

(c) Persons employed as student assistants in the state colleges and persons employed as student aids in the special schools of the State Department of Education.

CHAPTER 242

An act to amend Section 139.5 of the Agricultural Code, relating to rodents harboring diseases.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 139.5 of the Agricultural Code is amended to read:

139.5. Whenever the director shall receive a report from the executive officer of the State Department of Public Health advising that field rodents in a certain area or in certain areas carry or are likely to carry diseases or insects or other vectors of diseases transmissible and injurious to humans, he shall forthwith advise the commissioner in the county concerned, whose duty it shall be to cooperate in suppressing such rodents, and the director shall cooperate in accordance with the provisions of Section 34 for the purpose of suppressing such rodents on the reported areas and on neighboring areas, to prevent the spread thereof.

In order to carry out the purposes of this section, the director or commissioner is empowered to enter upon any and all premises within any such area to bait, trap, expose chemically treated baits, or perform any act which he may deem necessary for the purpose of suppressing, destroying, or repelling such rodents.

CHAPTER 243

An act to add Section 23013 to the Government Code, relating to county departments of corrections.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 23013 is added to the Government Code, to read:

23013. The board of supervisors of any county may, by resolution, establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail and industrial farms and road camps, their functions and personnel.

The boards of supervisors of two or more counties may, by agreement and the enactment of ordinances in conformity thereto, establish a joint department of corrections to serve all the counties included in the agreement, to be headed by an officer appointed by the boards jointly.

CHAPTER 244

An act to add Section 5302.6 to the Streets and Highways Code, relating to the payment of assessments for public works and improvements under the Improvement Act of 1911, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 5302.6 is added to the Streets and Highways Code, to read:

5302.6. Any school district may include in its tax levy for the 1957-58 Fiscal Year or for the 1958-59 Fiscal Year, or both an amount sufficient to pay an assessment imposed upon it under Section 5302.5 of this code, and interest on such assessment, notwithstanding that the district, by including such amount, exceeds the maximum tax rate imposed upon it by law.

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 county board of supervisors is required to fix the district tax rate on September 1st of each year. In order that any school district already at its maximum statutory tax rate be able to comply with provisions of Section 5302.5 of the Streets and Highways Code, it is essential that this act go into effect immediately.

CHAPTER 245

An act to amend Sections 2001, 2004, and 2009 of the Welfare and Institutions Code, relating to old age assistance.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2001 of the Welfare and Institutions Code is amended to read:

2001. Every person residing in the State, if qualified under this chapter, shall be entitled to aid in old age from the State. Qualification

SEC. 2. Section 2004 of said code is amended to read:

2004. No person receiving aid under the provisions of this chapter shall be deemed a pauper or an indigent by reason thereof. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the poor except insofar as inconsistent therewith. Construction

SEC. 3. Section 2009 of said code is amended to read:

2009. 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. Aid grant: Food

CHAPTER 246

An act to amend Sections 114, 1560, 2012, and 2023 of the Welfare and Institutions Code, relating to the administration of public assistance.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 114 of the Welfare and Institutions Code is amended to read:

114. In administering any funds appropriated or made available to the department for disbursement through the counties for welfare purposes, the department shall: Administration of welfare funds

(a) Require as a condition for receiving such grants in aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish rules and regulations, not in conflict with law or the policies formulated by the board, defining and controlling the conditions under which state aid may be granted or refused

(c) Terminate any grants in aid to any county if the laws providing such grants, or the minimum standards prescribed by the board, are not properly and promptly complied with by the county or its officers or employees.

SEC. 2 Section 1560 of said code is amended to read:

Needy children

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.

If an institution or county fails to comply promptly 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 failing or 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. 3. Section 2012 of said code is amended to read:

Conduct of officer or employee

2012. Whenever complaints are repeatedly made to the State Department of Social Welfare concerning the conduct or acts of any county officer or employee in connection with the administration of this chapter, the department shall consider such complaints, and if it finds that the conduct or acts complained of are inimical to the purposes and proper administration of this chapter, the department shall report the complaints and its findings relating thereto to the board of supervisors of the county for investigation and appropriate action designed to eliminate such conduct or acts promptly. The board of supervisors shall utilize dismissal, suspension, or demotion of such officer or employee, whenever necessary to eliminate the inimical acts or conduct, and shall immediately thereafter report to the department the action taken.

SEC. 4. Section 2023 of said code is amended to read:

Legislative intent

2023. It is the intent of the Legislature that no county shall receive any apportionment of funds from the State under the provisions of this chapter unless it is complying with all of the requirements of this chapter. The department shall enforce

this section in compliance with subdivision (c) of Section 114 of this code.

CHAPTER 247

An act to repeal Section 20009.1 of, and to add Section 20009.1 to, the Government Code, relating to the State Employees' Retirement System in respect to coverage of employees of public agencies.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 20009.1 of the Government Code is repealed. Repeal

SEC. 2. Section 20009.1 is added to said code, to read:

20009.1. "Public Agency" includes the following: "Public agency"

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state college.

(d) Any student body or nonprofit organization composed exclusively of students of a state college or of members of the faculty of a state college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state college.

CHAPTER 248

An act to amend Section 2804 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2804 of the Streets and Highways Code is hereby amended to read as follows:

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any

proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year of its incorporation, and the proposed improvements are substantially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city or charter county, and said city or county has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvement have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who appear to be such upon the last equalized assessment roll on the day said petition is filed with the clerk or secretary of said legislative body. If any person signing said petition appears on said roll as an owner of property as a joint tenant or tenant in common, said property shall be counted as if all such tenants had duly signed.

CHAPTER 249

An act to amend Sections 1875 and 1901 of the Code of Civil Procedure and Section 259.1 of the Probate Code, and to repeal Sections 1900 and 1902 of the Code of Civil Procedure, relating to judicial notice of law.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 1875 of the Code of Civil Procedure is amended to read:

Judicial notice

1875. Courts take judicial notice of the following:

1. The true signification of all English words and phrases, and of all legal expressions;

2. Whatever is established by law;

3. Public and private official acts of the legislative, executive and judicial departments of this State and of the United States, and the laws of the several states of the United States and the interpretation thereof by the highest courts of appellate jurisdiction of such states;

4. The law and statutes of foreign countries and of political subdivisions of foreign countries; provided, however, that to

enable a party to ask that judicial notice thereof be taken, reasonable notice shall be given to the other parties to the action in the pleadings or otherwise;

5. The seals of all the courts of this State and of the United States;

6. The accession to office and the official signatures and seals of office of the principal officers of government in the legislative, executive, and judicial departments of this State and of the United States;

7. The existence, title, national flag, and seal of every state or sovereign recognized by the executive power of the United States;

8. The seals of courts of admiralty and maritime jurisdiction, and of notaries public;

9. The laws of nature, the measure of time, and the geographical divisions and political history of the world.

In all these cases the court may resort for its aid to appropriate books or documents of reference. In cases arising under subdivision 4 of this section, the court may also resort to the advice of persons learned in the subject matter, which advice, if not received in open court, shall be in writing and made a part of the record in the action or proceeding.

If a court is unable to determine what the law of a foreign country or a political subdivision of a foreign country is, the court may, as the ends of justice require, either apply the law of this State if it can do so consistently with the Constitutions of this State and of the United States or dismiss the action without prejudice.

SEC. 2. Sections 1900 and 1902 of said code are repealed. Repeals

SEC. 3. Section 1901 of said code is amended to read:

1901. A copy of a public writing of any state or country, attested by the certificate of the officer having charge of the original, under the public seal of the state or country, is admissible as evidence of such writing. Certified public writing

SEC. 4. Section 259.1 of the Probate Code is amended to read:

259.1. The burden shall be upon such nonresident aliens to establish the existence of the reciprocal rights set forth in Section 259. Burden Reciprocal rights

---

CHAPTER 250

An act to amend Section 5891 of and to add Section 5895 to the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5895 is added to the Streets and Highways Code, to read:

Assessment payments

5895. The legislative body shall have the power, in its discretion, to determine that the payment of such assessments of fifty dollars ($50) or more may be made in annual installments, in any event not to exceed 10, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 6 percent per annum. Said interest shall begin to run on the thirty-first day after the confirmation of the assessments by the legislative body. All such determinations may be expressed by resolution of the legislative body at any time prior to the confirmation of the assessments.

SEC. 2. Section 5891 of the Streets and Highways Code is amended to read:

Form Notice of Lien

5891. The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the _____ day of _____, 19__, cause the sidewalk or curb to be constructed, and the legislative body of said city (county, or city and county) did, on the _____ day of _____, 19__, by Resolution No. _____ assess the cost of such construction upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), does hereby claim a lien on said real property in the sum of _____ dollars ($_____), and the same shall be a lien upon said real property until the said sum, with interest at the rate of _____ percent (insert rate of interest as fixed by legislative body, not to exceed 6 percent) per annum, from the said _____ day of _____, 19__ (insert date of the thirty-first day after confirmation of assessment), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the (name of city, or city and county) the County of _____, State of _____, and particularly described as follows, to wit:

(Description of Property)

Dated this _____ day of _____, 19__

_____

Superintendent of Streets

CHAPTER 251

An act to add Section 21414 to the Public Utilities Code, relating to service of process on nonresidents.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 21414 is added to the Public Utilities Code, to read:

Service of process. Airport use by nonresident

21414 (a) The use by a nonresident or his agent of an airport within this State or, if the nonresident is the owner of an aircraft, then the use with such aircraft of an airport within this State by any person with his express or implied permission, is equivalent to an appointment by such nonresident of the Secretary of State or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against said nonresident growing out of any aircraft accident, collision, or crash in this State resulting from the operation of any aircraft within this State by himself or agent, which appointment shall also be irrevocable and binding on his executor or administrator. Where the nonresident has died prior to the commencement of an action brought pursuant to this section, service of process shall be made on the executor or administrator of such nonresident in the same manner and on the same notice as is provided in the case of the nonresident. Where an action has been duly commenced under the provisions of this section by service upon a defendant who dies thereafter, the court must allow the action to be continued against his executor or administrator upon motion with such notice as the court deems proper.

(b) The acceptance of such rights and privileges or use of said airport shall be a signification of the irrevocable agreement of said nonresident, binding as well upon his executor or administrator, that any such process against him which is served in the manner herein provided shall be of the same legal force and validity as if served on said nonresident personally in this State.

(c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of two dollars ($2) for each nonresident to be so served in the hands of the Secretary of State or in his office at Sacramento and such service shall be a sufficient service on said nonresident subject to compliance with subdivision (d) hereof.

(d) A notice of such service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to said defendant. Personal service of such notice and a copy of the summons and complaint upon said defendant wherever found outside this State shall be the equivalent of said mailing.

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by affidavit of the plain-

tiff or his attorney showing said mailing, together with the return receipt of the United States Post Office bearing the signature of said defendant. Such affidavit and receipt shall be appended to the original summons which shall be filed with the court from out of which such summons issued within such time as the court may allow for the return of such summons. In the event of personal service outside this State such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the state or jurisdiction where the defendant is found, showing such service to have been made. Such return shall be appended to the original summons which shall be filed as aforesaid.

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

(g) The Secretary of State shall keep a record of all process so served upon him which record shall show the day and hour of service.

(h) As used in this section "nonresident" means a person who is not a resident of this State at the time the aircraft accident, collision, or crash occurs.

(i) This section shall not apply to a nonresident licensed to do business in this State.

CHAPTER 252

An act to add Article 5a (commencing at Section 12830) to Chapter 6, Division 6 of the Public Utilities Code, relating to the filing of claims against municipal utility districts for injuries to person and damages to property.

In effect September 11, 1957

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Article 5a (commencing at Section 12830) is added to Chapter 6, Division 6 of the Public Utilities Code, to read:

Article 5a. Claims for Personal Injury or Property Damage

Verified claim for damages

12830. Whenever it is claimed that any person has been injured or damaged or that any property has been taken, injured, damaged or destroyed 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 verified claim for damages shall be presented in writing and filed with the secretary within 90 days after the accident, injury, taking, damage or destruction has occurred.

Contents

12831. Each claim filed pursuant to Section 12830 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 damages claimed.

Condition precedent

12832. Compliance with Sections 12830 and 12831 is a condition precedent to the filing or maintaining of any action for injury or damages.

Statute of limitation

12833. If the board refuses or neglects to allow or reject a claim for 90 days after it is filed with the clerk, such refusal or neglect shall constitute final action and rejection on the ninetieth day. This section shall apply to causes of action existing when this section becomes effective. The time for commencement of existing causes of action which would be barred by this section within the first six months this section becomes effective shall be six months after the effective date of this section.

CHAPTER 253

An act to amend Section 476.1 of the Vehicle Code, relating to traffic signals.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 476.1 of the Vehicle Code is amended to read:

476.1. Pedestrian Control Signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signal shall indicate as follows:

(a) Walk. A pedestrian facing such signal may proceed across the roadway in the direction of the signal or in a diagonal direction across the roadway within the intersection if so instructed by signs or signals installed at or near the intersection.

(b) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk, safety zone or island while the "Wait" or "Don't Walk" signal is showing.

CHAPTER 254

An act to add Article 4, comprising Sections 12750 and 12751, to Chapter 2 of Part 6 of Division 6 of the Water Code, relating to flood control projects, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1957. Filed with Secretary of State April 30, 1957.]

In effect immediately

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

SECTION 1. Article 4, comprising Sections 12750 and 12751, is added to Chapter 2 of Part 6 of Division 6 of the Water Code, to read:

Article 4. Small Flood Control Projects

Flood control projects

12750 Small flood control projects not specifically authorized by Congress undertaken by the United States Corps of Engineers pursuant to Section 205 of the Flood Control Act of 1948 (Public Law 858, Eightieth Congress, Second Session, approved June 30, 1948), as amended, are hereby adopted and authorized at such estimated costs as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the Department of Water Resources.

Assurances

12751. Any county, city, state agency or public district affected by a small flood control project referred to in Section 12750 shall give assurances satisfactory to the Secretary of the Army that the local cooperation required for such projects by Section 205 of the Flood Control Act of 1948, as amended, will be furnished by such local agency. Such agency, in conjunction with the Department of the Army, shall execute the project and may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

Urgency

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

The Federal Government has certain small flood control projects in this State under consideration The approval and support of the State is required before the Federal Government will proceed with such projects

It is necessary to the public safety that provision be made immediately to avoid the threat of disastrous floods in areas affected by the streams and rivers covered by such flood control projects.

CHAPTER 255

An act to add Section 17210 to the Revenue and Taxation Code, relating to deduction for political contributions.

In effect September 11, 1957

[Approved by Governor April 30, 1957. Filed with Secretary of State April 30, 1957.]

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

SECTION 1. Section 17210 is added to the Revenue and Taxation Code, to read:

17210. In computing taxable income there shall be allowed as a deduction political contributions by any person not in excess of one hundred dollars ($100), in any primary or general election.

CHAPTER 256

An act to add Section 491.5 to the Fish and Game Code, and Section 311 to the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fishing.

[Approved by Governor April 30, 1957. Filed with Secretary of State April 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 491.5 is added to the Fish and Game Code, to read:

491.5. It is unlawful to use or possess any gaff or any hook with more than one point within 100 feet of those portions of the Feather River and of Butte Creek while closed to salmon fishing as salmon spawning areas pursuant to Section 669. Gaff or hook

This section does not apply to a person possessing gaff or any hook with more than one point in his home or while traveling on the public roads in the area.

NOTE: The section of the Fish and Game Code affected by this Chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 491.5 of the Fish and Game Code adopted in 1933, is repealed. Effect Stats. 1957, Ch. 456

CHAPTER 257

An act to amend Sections 1521.2, 2163.2, and 3047.21 of the Welfare and Institutions Code, relating to personal property of public assistance recipients.

[Approved by Governor May 1, 1957. Filed with Secretary of State May 1, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1521.2 of the Welfare and Institutions Code is amended to read:

1521.2. For the purposes of this chapter, the term personal property for the personal or family use of the recipient shall not include the value of clothing, furniture, household equipment including musical instruments and other recreational items, foodstuffs, fuel, personal effects and personal jewelry. Exemptions

SEC. 2. Section 2163.2 of said code is amended to read:

2163.2. For the purposes of this chapter, the term personal property for the personal or family use of the recipient shall not include the value of clothing, furniture, household equipment including musical instruments and other recreational items, foodstuffs, fuel, personal effects and personal jewelry. Same

Same

SEC. 3. Section 3047.21 of said code is amended to read:

3047.21. For the purposes of this chapter, the term personal property for the personal or family use of the recipient shall not include the value of clothing, furniture, household equipment including musical instruments and other recreational items, foodstuffs, fuel, personal effects and personal jewelry.

CHAPTER 258

An act to add Section 25504.5 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 1, 1957. Filed with Secretary of State May 2, 1957.]

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

SECTION 1. Section 25504.5 is added to the Business and Professions Code, to read:

25504.5. The provisions of Sections 25500 to 25503, inclusive, and of Section 25600 do not apply to the occasional inspection and cleaning by beer manufacturers and wholesalers of beer taps and tapping equipment installed in retail on-sale premises.

This section does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 259

An act to add Sections 20805.5 and 21361.5 to the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 1, 1957. Filed with Secretary of State May 2, 1957.]

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

SECTION 1. Section 20805.5 is added to the Government Code, to read:

"Prior service"

20805.5. "Prior service" as defined in subsection (3) of subdivision (b) of Section 20805, for a local member, shall include, in addition to state service as provided in said section, and service rendered prior to the assumption by the district or districts of the function under which the service was rendered, as provided in subsection (5) of subdivision (b) of Section 14746 of the Education Code, service rendered under said function, but after its assumption by the district or districts and before the effective date of the contract under which he became a member, and regardless of whether the compensation for such service was paid from the employer's funds, provided such service the compensation for which was not so paid, was credited under a local system of which the member was a member at the date of its discontinuance wholly or in part, as provided in Section 20524.

This section shall not apply to miscellaneous 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 unless said agency's contract with the board includes at its effective date, a provision making said agency and its employees subject to the provisions of this section. Limitation

SEC. 2. Section 21361.5 is added to said code, to read:

21361.5. In the determination of the portion of the basic death benefit provided in subdivision (b) of Section 21361, for local miscellaneous members who were members of a local retirement system at the time of said system's discontinuance wholly or in part as provided in Section 20524, service included in the calculation of the completed years of service shall not be limited to service under this system, but instead service rendered as members of said local system, shall also be included. Death benefits

This section shall not apply to miscellaneous 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 unless said agency's contract with the board includes at its effective date, a provision making said agency and its employees subject to the provisions of this section. Limitation

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

Application of the state law providing for school district retirement plans or systems, with respect to possible discontinuance of such plans or systems, has raised a number of questions involving the retirement rights of members of such a plan or system under the State Employees' Retirement System in the event that such district members enter the state system. In order to protect the rights of such members, it is necessary that this act take effect immediately.

CHAPTER 260

An act to amend Sections 2300 and 2309 of, and to add Section 2017 to, the Welfare and Institutions Code, relating to aged persons.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2300 of the Welfare and Institutions Code is amended to read:

License or permit required

2300. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the State Department of Social Welfare or from an inspection service approved or accredited by the department, maintain or conduct any institution, boarding home, or other place for the reception or care of aged persons, nor receive or care for any such person not related to him by blood or affinity within the second degree. The provisions of this chapter do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code, or to hospitals exempt from the provisions of either or both of said chapters. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of this chapter continue to apply to the hospital or establishment in respect to such additional services.

SEC. 2. Section 2309 of said code is amended to read:

Violation Misdemeanor

2309. Any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place, for the reception and care of aged persons not related to him by blood or affinity within the second degree or performs any service specified in Section 2300 of this code, without first having secured a license or permit therefor, in writing, as required by Section 2300 of this code, or refuses to permit or interferes with the inspection authorized in Section 2301 of this code, is guilty of a misdemeanor.

SEC. 3. Section 2017 is added to said code, to read:

Aid to aged persons

2017. All money paid to a recipient of aid 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 recipient.

The State Department of Social Welfare may take all action necessary to enforce this section.

CHAPTER 261

An act to amend Section 3138.5 of the Financial Code, relating to the liability of stockholders of trust companies which are not commercial or savings banks.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 3138.5 of the Financial Code is amended to read:

3138.5. Any banking corporation which is neither a commercial bank nor a savings bank may, at any time while en-

gaged in the trust business, terminate the liability imposed upon its stockholders by this article. Such termination of liability shall be effective six months after the corporation complies with all of the following requirements:

(a) Have caused notice in writing of such prospective termination to be served upon the superintendent.

(b) Have caused a copy of such notice to be published pursuant to Section 6061 of the Government Code in the city or town in which the corporation has its principal place of business, or, if no newspaper of general circulation is published in such city, then in the county in which such principal place of business is located.

CHAPTER 262

An act to amend Section 23986 of the Business and Professions Code, relating to the publication of notice of an application for an on-sale license of alcoholic beverages

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23986 of the Business and Professions Code is amended to read:

23986. Any applicant for an on-sale license shall, within ten (10) days after filing his application with the department, cause a notice of the application, giving the name or names of the applicant and the premises where the business is to be conducted, to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the city in which the premises are situated, or if the premises are not in a city the publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of the notice shall be prescribed by the department. Affidavit of publication shall be filed with the department prior to the issuance of any license.

CHAPTER 263

An act to amend Sections 914.9 and 917.2 of the Agricultural Code, relating to treated grain or other crop seeds.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 914.9 of the Agricultural Code is amended to read:

914.9. It is unlawful to ship, deliver, transport, or sell grain or other crop seed treated after harvest with any substance likely to be poisonous or toxic to human beings or ani-

Unlawful sale of grain or crop seed

mals unless there is conspicuously shown on the analysis tag or label, or on a separate tag or label attached to each container, or plainly stenciled upon each container, the words "treated seed" or other appropriate warning, together with the common name of the substance. In addition, if the substance is highly toxic as determined by the rules and regulations of the director, the word "poison" and any other warning or caution statement required by such regulations shall also be shown in the manner and place prescribed by such regulations. It is unlawful to sell or divert for use or for processing, either for human or animal consumption, any grain or other crop seed treated after harvest with any such toxic substance.

SEC. 2. Section 917.2 of said code is amended to read:

Rules and regulations

917.2. The director, in rules and regulations promulgated as provided in Section 917.5, may adopt:

(a) A list of the plants and crops which he finds are or may be grown in this State from agricultural and vegetable seeds.

(b) A list of the plants and crops which he finds are detrimental to agriculture when occurring incidentally in other crops, and which therefore are classed as weed seeds except when sold alone or as a specific constituent of a definite seed mixture.

(c) A list of noxious weeds which he finds are primary noxious weeds, as defined in this article.

(d) A list of those noxious weeds which are not classified as primary noxious weeds, and which therefore are classed by this article as secondary noxious weeds.

(e) A list of seed-certifying agencies which he finds qualified to certify as to the variety, purity, quality, or other matter of agricultural or vegetable seeds. The director shall consult with the director of the University of California Agricultural Experiment Station before approving the qualifications of any agency to certify as to variety, type, strain or other genetic character of agricultural or vegetable seeds.

(f) A list of substances, likely to be used for treating grain or other crop seed, which he finds and determines to be toxic to human beings or animals if so used, together with an appropriate warning or caution statement for each such substance.

CHAPTER 264

An act to add Section 14746.6 to the Education Code, relating to school district retirement systems, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 14746.6 is added to the Education Code, to read:

14746.6. (a) Notwithstanding the provisions of Section 14746, persons other than (1) teachers and (2) other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired members of 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 transferred by the governing board of the district or districts, with the consent of the majority of such active members of the plan expressing their desires with respect to the transfer evidenced in such manner as the governing board may prescribe; but no transfer of such active and retired members shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivision (b) of this section.

State Teachers' Retirement System Transfer

(b) (1) Active and retired employees, including future 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 members, together with such other assets of said plan as may be determined. The total of such other assets transferred, however, shall not be greater than the portion of the reserves of such plan which is allocable to such active and retired employees, as determined by actuarial valuation In such valuation the portion of the reserves allocable to such active and retired employees proposed to be transferred shall be determined as an amount which bears the same ratio to the total reserves under such plan as the liabilities under the plan on account of such active and retired employees bear to the total liabilities under the plan on account of all active and retired employees thereunder. On the effective date of the contract making such active employees members of the State Employees' Retirement System, such employees shall cease to be members of such plan, and neither they nor retired persons who are made beneficiaries of such state system, shall be paid or have any right to any allowance or other benefit under such plan for time beginning with said effective date.

State Employees' Retirement System Transfer

(2) With respect to persons who are members of such plan at such transfer, it shall be provided in the contract making such employees members of the State Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in such plan, all instead of the age at the nearest birthday at the effective date of membership in such employees' system.

(3) Each employee of the district or districts who is included in such contract, but who during all or part of his employment in a status requisite for membership in such plan was not a member thereof, because of his election under an available option, or who, while employed in a status not requisite for membership in such plan, was a member of the State Teachers' Retirement System and was contributing to that system, or who failed to redeposit upon re-entry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of this subdivision (b), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never elected not to be a member thereof, or if he had been a member of such plan during the time he was a member of such State Teachers' Retirement System and was contributing thereto, or if he had redeposited such withdrawn contributions upon such re-entry, as the case may be. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes such contributions, and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all the service rendered while he was not a member of such plan, because of his optional exclusion, or for service rendered while he was contributing to such State Teachers' Retirement System; provided, such service is no longer credited under such teachers' system, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of such plan at such transfer and from November 1, 1937, or later beginning date of such service. Regardless of whether such contributions are made, such employee shall receive credit for service with which he was credited or would have been credited if he had been a member, as prior service under such plan. The contributions under this paragraph (3) shall be added to and administered in the same manner as the contributions transferred under paragraph (1), of this subdivision (b).

(4) Service rendered by active employees who are made members of the State Employees' Retirement System prior to

or after the assumption by the district or districts of the function under which the service was rendered, but prior to the effective date of the contract making active employees such members, and the compensation for which was paid wholly or in part from funds other than the funds of the district or districts, shall be credited under such employees' system; provided, such service qualified for credit under such plan.

(5) The contract making such active employees members of the State Employees' Retirement System, shall include such employees with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for such membership, but which is no longer credited under such teachers' retirement system, and such service shall be credited in the manner applicable to service otherwise qualifying for credit.

(6) Retirement allowances being paid under such plan to retired employees of the district or districts, who are made beneficiaries of the State Employees' Retirement System, shall be changed by action of the governing board of such districts, effective at such transfer, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of transfer, under such plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under such employees' system which apply to active employees who are made members thereof. Such changed allowances shall be paid to such beneficiaries for time commencing on the date they are made beneficiaries of such employees' system. No allowance shall be reduced by such change.

(7) If two or more districts under the control and management of a single governing board are participants in such plan, one contract between the board of administration and such governing board may include all such districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information

(8) The contract making such active employees members of the State Employees' Retirement System shall provide that the service included in the calculation of the completed years of service as a basis for the portion of the basic death benefit provided in subdivision (b) of Section 21361 of the Government Code for persons who were members of such plan at transfer, shall not be limited to service under the State Employees' Retirement System, but instead that service rendered as members of such plan shall also be included.

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:

Application of the state law providing for school district retirement plans or systems, as amended by Chapter 1628 of the Statutes of 1955 and Chapter 49 of the Statutes of 1956 (First Extraordinary Session), with respect to possible transfer of such plans or systems, has raised a number of questions involving the retirement rights of members of such a plan or system under consideration for transfer as of July 1, 1957. In order to protect the rights of such members prior to such transfer, it is necessary that this act take effect immediately.

CHAPTER 265

An act to amend Section 4351 of the Agricultural Code, relating to the establishment of minimum wholesale and minimum retail prices for fluid milk.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 4351 of the Agricultural Code is amended to read:

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 the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices to be paid by the distributors for fluid cream, or fluid skim milk, or either or both, the director may designate and prescribe, or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid cream, or fluid skim milk, or either or both, pursuant to the provisions of this article. The term "fluid milk" as used in this chapter shall, unless the context otherwise requires or indicates, mean and include the term "fluid skim milk" in the application of this chapter to any marketing area in which the director has exercised his discretion to designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid skim milk.

CHAPTER 266

An act to amend Section 6485 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6485 of the Streets and Highways Code is amended to read:

6485. The treasurer shall add to each apportioned amount a sum equal to 5 percent thereof but in no event more than ten dollars ($10) and shall make and sign a new bond in the same form as the existing bond, to represent each such apportioned amount, and the amount so added if the apportioned amount is twenty-five dollars ($25) or more. In addition, there shall be paid to the treasurer a fee of five dollars ($5) for each new bond issued.

CHAPTER 267

An act to amend Sections 21121, 21122, 21582, 21605, 21606, 21607 and 21608 of the Water Code, relating to irrigation districts

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.] In effect September 11, 1957

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

SECTION 1. Section 21121 of the Water Code is amended to read:

21121. The order of consolidation shall be made at least 35 days prior to a general election and shall take effect at the next succeeding election. Consolidation order

SEC. 2. Section 21122 of said code is amended to read:

21122. A board may at least 35 days before a general election segregate consolidated offices, and each office so segregated shall be filled at the election. Election Segregation of offices

SEC. 3. Section 21582 of said code is amended to read:

21582. At least 80 days before any general election a majority of the electors in the district having no divisions may file in the district office a petition signed by them requesting the board to establish divisions. Divisions

SEC. 4. Section 21605 of said code is amended to read:

21605. When it deems it advisable for the best interests of the district and the convenience of its voters, the board may, not less than 65 days before an election, change the boundaries of the divisions or election precincts or both. The changes shall be made to keep the divisions as nearly equal in area and population as may be practicable. The changes shall be shown on the minutes of the board. Boundary changes

Same

SEC. 5. Section 21606 of said code is amended to read:

21606. When land is excluded from a district after its formation, if the board deems it desirable, but not less than 35 days before any election in the district, it may re-establish the boundaries of the divisions and election precincts within the district.

Same

SEC. 6. Section 21607 of said code is amended to read:

21607. When land is included within a district after its formation, its board shall, not less than 35 days before any election in the district, re-establish the boundaries of the divisions and election precincts within the district so as to include the included land therein and so as to make the divisions as nearly equal in size and population as may be practicable.

Same

SEC. 7. Section 21608 of said code is amended to read:

21608. When land is included within a district after its formation and less than 35 days before an election, the voters in the area included shall not be entitled to vote at the election.

CHAPTER 268

An act to amend Section 16551 of the Government Code, relating to the security for deposits of state funds.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 16551 of the Government Code is amended to read:

16551. With the consent of the bank owning securities deposited or to be deposited with him as security, the Treasurer may:

(a) Authorize any qualified trust company other than the depositor bank or the Federal Reserve Bank of San Francisco or any branch thereof or any state or national bank located in any city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System to receive as his agent deposits of any securities approved under this chapter.

(b) Place and maintain for safekeeping as a trust deposit with any qualified trust company other than the depositor bank or with the Federal Reserve Bank of San Francisco or any branch thereof any securities that have been received by him under this chapter.

(c) Whenever any qualified trust company accepts such securities under paragraph (a) or (b) such trust company, with the prior approval of the Treasurer, may keep such securities for safekeeping with any state or national bank located in a city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System.

CHAPTER 269

An act to amend Section 53672 of, and to add Section 53673.5 to, the Government Code, relating to the security for deposits of public funds.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 53672 of the Government Code is amended to read:

Deposits with trust companies

53672. With the consent of the depositary depositing securities with him as security, a treasurer may authorize a trust company or trust department of any other 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 or any state or national bank located in any city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System to act as agent to receive for him from the depositary the deposit of securities approved as security pursuant to this article.

SEC. 2. Section 53673.5 is added to the Government Code, to read:

Same State or national bank

53673.5. Whenever any trust company or trust department of any state or national bank authorized to conduct trust business in this State accepts securities under Section 53672 or 53673 such trust company or trust department, with the prior approval of the Treasurer may keep such securities for safekeeping with any state or national bank located in a city designated as a reserve or central reserve city by the Board of Governors of the Federal Reserve System.

CHAPTER 270

An act to add Section 276 to the Penal Code, relating to abortion.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 276 is added to the Penal Code, to read:

276. Every person who solicits any woman to submit to any operation, or to the use of any means whatever, to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the county jail not longer than one year or in the state prison not longer than five years, or by fine of not more than five thousand dollars ($5,000). Such offense must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

CHAPTER 271

An act to amend Section 1022 of the Agricultural Code, relating to fertilizers.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 1022 of the Agricultural Code is amended to read:

Definitions: Fertilizers, etc.

1022. As used in this article the substances and mixtures of substances referred to in the preceding section are defined as follows:

(a) "Commercial fertilizers" are substances and mixtures of substances containing 5 percent or more of nitrogen, available phosphorus pentoxide, or potassium oxide soluble in distilled water, singly, collectively or in combination, except manures, hays, straws, peat and leaf mold.

(b) "Agricultural minerals" are mineral substances, mixtures of mineral substances, and mixtures of mineral and organic substances, containing less than 5 percent in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination, except sand and soil.

(c) "Manures" are the excreta of domestic animals or domestic fowls when not artificially mixed with any material or materials other than those which have been used for bedding, sanitary or feeding purposes for said animals or fowls or for the preservation of manure.

(d) "Auxiliary plant chemicals" are substances such as hormones, auxins, enzymes, synthetic polyelectrolytes, biocatalytic soil conditioners, lignin or humus preparations, wetting agents to promote penetration of irrigation water, materials for reducing preharvest drop of fruit, materials for promoting rooting of cuttings, bacterial inoculants, and similar products intended to be used for influencing plants or soils.

(e) "Soil amendments" are all substances, except those included within subdivisions (a), (b), (c), and (d), and include hays, straws, peat, leaf mold, sand, mixtures intended for use solely as potting media, and mineral substances such as diatomite, vermiculite, perlite, pumice, and clay which are intended for use solely because of their physical nature and with no claim for chemical constituents.

CHAPTER 272

An act to amend Sections 811, 828.55, and 829.3 of, and to add Section 811.1 to, the Agricultural Code, relating to fruits and vegetables; and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect immediately

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

SECTION 1. Section 811 of the Agricultural Code is amended to read:

Cantaloupes

811. Cantaloupes shall be mature but not overripe, not poorly netted, and free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the cantaloupe; and free from serious damage, due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

Not more than 10 percent, by count, of the cantaloupes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

Cantaloupes when packed shall be virtually uniform in size and there shall be the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

"Mature" in the case of cantaloupes means that the appearance of the outside indicates maturity and the arils which surround the seed during the development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than 8 percent soluble solids as determined by the standard hand refractometer.

The soluble solids content of the edible portion of cantaloupes shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one-half the distance between the stem and blossom ends. The plugs shall be approximately one-half inch in diameter; and that portion of the plug three-eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

All containers of cantaloupes shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the cantaloupes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

SEC. 2. Section 811.1 is added to said code, to read:

Same Containers

811.1. All cantaloupes shall be packed in regular compact arrangement in standard containers numbers 39, 40, 41, 42, 43, 44 or 44A. All such containers shall be closed and the

number of cantaloupes in each container shall be one of the "standard pack counts" listed in Section 829.3 for each such container.

This section shall not apply to cantaloupes in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to cantaloupes sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced. As used in this section "consumer" means a person who buys cantaloupes for use as food and not for resale.

Same Crates or flats

SEC. 3 Section 828.55 of said code is amended to read:

828.55

39	Standard cantaloupe crate	12	12	$21\frac{7}{8}$	or $22\frac{1}{8}$
40	Pony cantaloupe crate	11	11	$21\frac{7}{8}$	or $22\frac{1}{8}$
41	Jumbo cantaloupe crate	13	13	$21\frac{7}{8}$	or $22\frac{1}{8}$
42	Cantaloupe crate	$13\frac{1}{2}$	13	$22\frac{1}{2}$	
43	Cantaloupe container	$9\frac{1}{2}$	13	22	
44	Cantaloupe container	9 or 10	13	22	or $22\frac{3}{8}$
44A	Special cantaloupe crate	$12\frac{1}{2}$	$14\frac{1}{2}$	$21\frac{5}{8}$	

SEC. 4. Section 829.3 of said code is amended to read:

Standard packs

829.3. 13. Cantaloupes, Numbers 39, 40, 41, 42, 43, 44, or 44A. The following counts of cantaloupes when packed, are hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate
45 or 54	40	Pony cantaloupe crate
18, 23, 27, 36, 41, or 45	41	Jumbo cantaloupe crate
18, 23, 27, 36, 41, or 45	42	Cantaloupe crate
12, 16, 18, 24, or 30	43	Cantaloupe container
12, 16, 18, 24, or 30	44	Cantaloupe container
18, 23, 27, 36, 41, or 45	44A	Special cantaloupe crate

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:

In order that the 1957 crop of cantaloupes may be marketed under the beneficial standards provided by this act, it is necessary that this act go into immediate effect.

CHAPTER 273

An act to add Article 4 (commencing at Section 1710) to Chapter 9 of Division 2 of the Streets and Highways Code, relating to cooperation between the cities and counties in the construction, repair, and maintenance of county highways.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 4 is added to Chapter 9 of Division 2 of the Streets and Highways Code, to read:

Article 4. Cooperation Between Cities and Counties

1710 A city and a county may agree that the city shall construct, repair and maintain designated county highways or portions thereof within the unincorporated territory of the county, the cost thereof to be paid by the county to the city.

CHAPTER 274

An act to amend Section 9555 of the Education Code, relating to school trustees.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 9555 of the Education Code is amended to read:

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 but more than one trustee of any district may attend if the board of trustees of that district so direct

(b) School trustees of each school district shall select the trustee or trustees 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.

CHAPTER 275

An act to amend Section 23600 of the Government Code, relating to county seats.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 6, 1957.]

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

SECTION 1. Section 23600 of the Government Code is amended to read:

23600. The county seats of the respective counties of the State, as fixed by law and designated in this article, are declared to be the county seats of the respective counties. In any case where a county seat is an incorporated city, it includes all territory heretofore or hereafter annexed thereto.

CHAPTER 276

An act to amend Section 1205 of the Agricultural Code and Section 12601 of the Corporations Code, relating to officers of cooperative corporations.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 1205 of the Agricultural Code is amended to read:

Organization of directors

1205. The directors shall elect from their number a president and one or more vice presidents. If the corporation employs a manager who is not a director, the directors may also elect him vice president. They shall also elect a secretary and a treasurer, who need not be directors or members of the association; and they may combine the two latter offices and designate the combined office as secretary-treasurer; or unite both functions and titles in one person. The treasurer may be a bank or any depository and as such, shall not be considered as an officer, but as a function of the board of directors. In such case, the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as and where authorized by the board of directors.

SEC. 2. Section 12601 of the Corporations Code is amended to read:

Officers

12601. The officers of every cooperative corporation shall be a president, one or more vice presidents, who shall be directors,

and a secretary and a treasurer, who need not be directors, all of whom shall be elected annually by the directors. One person may hold the office of secretary and treasurer. If the corporation employs a manager who is not a director, the directors may also elect him vice president.

CHAPTER 277

An act to amend Sections 1601, 4668, and 7431.2 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.] In effect immediately

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

SECTION 1. Section 1601 of the Education Code is amended to read:

1601. Whenever any territory withdraws from a union elementary or union high school district, the territory withdrawing shall continue to be liable for such portion of the bonded indebtedness of the union elementary school district or union high school district incurred before the withdrawal as it would have been liable for had it not withdrawn. Withdrawal from existing district

If territory is withdrawn from a union elementary or union high school district and is included in a unified school district, and if such unified district assumes, pursuant to Section 4668, a portion of the bonded indebtedness of the union elementary or union high school district and repays the principal and interest of such portion of bonded indebtedness as it falls due, such assumption and repayment shall be deemed to fulfill the obligation of such territory with respect to such liability.

SEC. 2. Section 4668 of said code is amended to read:

4668. Upon petition of 10 percent of the qualified electors residing in any elementary school district, high school district, or junior college district which has been included in a unified school district requesting him to do so, or by resolution adopted by the governing board of the unified school district, the county superintendent of schools having jurisdiction of the district shall call an election in the unified school district for the purpose of permitting the qualified electors to vote upon the question of whether or not the unified school district shall assume the bonded indebtedness of the elementary school district, high school district, or junior college district, as the case may be. Assumption of bonded indebtedness

When a portion of a union elementary or union high school district has been included in a unified district and the territory comprising such portion is liable, under Section 1601, for a portion of the bonded indebtedness of the union elementary or union high school district, the county superintendent of schools having jurisdiction over the unified district shall, upon petition of 10 percent of the qualified electors residing in the portion of the union elementary or union high school district

which has been included in the unified district requesting him to do so, or by resolution adopted by the governing body of the unified district, call an election in the unified district for the purpose of permitting the qualified electors to vote upon the question of whether or not the unified district shall assume the portion of the bonded indebtedness of the union elementary or union high school district for which the territory is liable under Section 1601.

The election shall be called, held, and conducted as are elections for the issuance of school district bonds excepting that the notice for the election shall contain the following:

(a) The time and place, or places of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours of the day during which the polls will be open.

(d) The amount of the bonded indebtedness and the interest rate thereon proposed to be assumed by the unified school district.

The ballot at the election shall contain the words "Assumption of Bonded Indebtedness—Yes" and "Assumption of Bonded Indebtedness—No," or words of similar import.

No bonded indebtedness shall be assumed by a unified school district unless two-thirds of the qualified electors voting at the election vote in favor of the assumption

SEC. 3. Section 7431.2 of said code is amended to read:

Exclusion of liability

7431.2. For the purpose of determining the limitation of indebtedness of a school district of any type or class under Section 4714 or 7431, that portion of the bonded indebtedness of the district for which another school district or territory in another district is liable shall be excluded and shall not be deemed to constitute outstanding bonded indebtedness of the district.

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:

When territory withdraws from a union elementary or union high school district, under the existing law, such territory remains liable for its share of the outstanding bonded indebtedness of the district from which it withdrew. However, even though such territory which becomes part of a separate district is so liable, the union elementary or union high school district must include the amount of such outstanding indebtedness against the maximum amount of bonded indebtedness which the union district may, under the law, have outstanding at any particular time. In some situations, this prevents the union district from issuing additional bonds for meeting the capital outlay needs of the district. In order to avoid this inequity and to avoid unnecessary delay in the building programs of such district, which are essential to the furnishing

of an adequate education to the pupils of such district, it is necessary that this act take effect immediately.

CHAPTER 278

An act to amend Section 823 of the Corporations Code, relating to loans and guarantees.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.] In effect September 11, 1957

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

SECTION 1. Section 823 of the Corporations Code is hereby amended to read.

823. (a) A corporation shall not make any loan of money or property to or guarantee the obligation of (1) any director or officer of the corporation, any director or officer of any of its holding corporations or any director or officer of any of its subsidiary corporations, directly or indirectly, or (2) any person, upon the security of the shares of the corporation or the shares of any of its holding corporations or the shares of subsidiary corporations, except by the vote or written consent of the holders of two-thirds of the shares of all classes, regardless of limitations on voting rights, other than shares held by the benefited director, officer, or shareholder.

(b) If a loan or guaranty is made in violation of subdivision (a), the director or officers who authorize or assent to it are jointly and severally liable to the corporation as guarantors for the repayment or return of the sum or value loaned, with interest thereon at the rate of 6 percent a year until paid, or for any liability upon the guaranty.

Any officer or director held liable under this subdivision who satisfies any such liability is entitled to contribution from any other officer or director who participates in authorizing, making, or allowing the loan or guaranty, and shall be subrogated to any and all rights of the corporation against the borrower or principal obligor.

(c) The provisions of this section do not apply to banks, building and loan associations, industrial loan companies, or credit unions, or to loans permitted under any statute regulating any special class of corporations.

CHAPTER 279

An act to amend Section 704 of the Public Utilities Code, relating to the transaction of public utility business by foreign corporations.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.] In effect September 11, 1957

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

SECTION 1. Section 704 of the Public Utilities Code is amended to read:

704. Except as otherwise provided in this section, no foreign corporation, other than those which by compliance with the laws of this State are entitled to transact a public utility business within this State, shall henceforth transact within this State any public utility business, nor shall any foreign corporation which is at present lawfully transacting business within this State henceforth transact within this State any public utility business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact. No license, permit, or franchise to own, control, operate, or manage any public utility business or any part or incident thereof shall be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public utility business of like character.

Foreign corporations engaging in commerce with foreign nations or commerce among the several states may transact within this State such commerce and intrastate commerce of a like character; provided, however, that no such foreign corporation shall be permitted to engage in intrastate commerce within this State until it shall have first complied with the laws of this State respecting foreign corporations. Any foreign corporation which complies with the laws of this State respecting foreign corporations, and which owns at least 90 percent of the outstanding capital stock of any other foreign corporation transacting a public utility business in this State, may succeed to the public utility business, franchises, and rights of such latter corporation and, thereafter continue and carry on such public utility business.

CHAPTER 280

An act to amend Section 18923 of the Education Code, relating to the purchase of newspapers, magazines, and other periodicals by school districts.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 18923 of the Education Code is amended to read:

18923. The governing board of a school district may pay in advance for subscriptions to newspapers, magazines, periodicals and other publications for the district and the schools thereof when such action will result in a decrease in the cost to the district or which cannot be secured without payment in advance.

CHAPTER 281

An act to add Section 84 to the Streets and Highways Code, relating to state highways.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 84 is added to the Streets and Highways Code, to read:

84. Before the department commences the construction of any state highway or of any bridge, viaduct, conduit, pipe, trestle, or other obstruction in connection therewith across any cove, bay, or inlet of the ocean in this State, the department shall submit the plans of the proposed project insofar as they might affect the use of such cove, bay or inlet as a small boat harbor, to the Department of Natural Resources and the State Lands Commission and shall consider any suggestions made with respect to the integration of the proposed highway project with any proposed plan for the development of a small boat harbor.

CHAPTER 282

An act to amend Section 1335 of and to add Section 1360.1 to the Financial Code, relating to investments by nondepartmental banks and by savings banks.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1335 of the Financial Code is amended to read:

Purchase of securities

1335. A nondepartmental bank may purchase for its own account only the investment securities specified in Sections 1354 to 1366 inclusive of this code and in addition thereto may invest an amount not exceeding two (2) percent of its deposits in other securities, except corporation shares, in which in the informed opinion of the bank it is prudent to invest the funds of its depositors.

SEC. 2. Section 1360.1 is added to said code, to read:

International Bank for Reconstruction and Development Bonds

1360.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the bank's savings deposits, whichever is lesser, in bonds issued by the International Bank for Reconstruction and Development.

CHAPTER 283

An act to add Section 951.1 to the Probate Code, relating to payment of funeral expenses and expenses of last illness

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 951.1 is added to the Probate Code, to read:

951.1 Funeral expenses and expenses of last illness shall be deemed debts primarily payable out of the estate of the deceased spouse, whether or not the surviving spouse is financially able to pay such expenses and whether or not the surviving spouse or any other person is also liable therefor.

CHAPTER 284

An act to amend Section 253 of the Vehicle Code, relating to the minimum age for issuance of instruction permits.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 253 of the Vehicle Code is amended to read:

253. Instruction Permits. Any person who is otherwise qualified for the issuance of a driver's license unless prohibited under Section 257 of this code may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a licensed operator or chauffeur 18 years of age or over, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict such permits as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

CHAPTER 285

An act to amend Sections 55104, 55150, 55152, and 55180 of the Water Code, relating to county water works districts

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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: Formation 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 except if the petition be signed by all of the owners of property within the proposed district as such owners are shown upon the last equalized assessment roll, an election need not be requested.

(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 55150 of said code is amended to read

55150. Any person interested, including any freeholder or qualified voter resident within the proposed district or the owner of any real or personal property located in the proposed district, objecting to the formation of the district, to the extent of the district, to the proposed improvement, or to the inclusion of his property in the district, may file a written protest, setting forth his objections, with the clerk of the board of supervisors at or before the time set for the hearing of the petition. Written protest

SEC. 3. Section 55152 of said code is amended to read:

55152. The board shall hear and pass upon the petition and protests at the time appointed, or at any time to which the hearing may be adjourned, and its decision thereon shall be final and conclusive. If protests are made to the formation of the proposed district or to the proposed improvement 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, then, notwithstanding the denial of any of such protests by the board of supervisors or the fact that the petition is signed by all of the owners of the real Hearing

property within the proposed district, the board of supervisors shall, if it acquires jurisdiction pursuant to Section 55160, call an election pursuant to Section 55180.

Ordinance or resolution Special election

SEC. 4. Section 55180 of said code is amended to read:

55180. Unless the board of supervisors proceeds pursuant to Section 55161, the board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting after having acquired jurisdiction to proceed in the formation of a district, provide for and order the holding of a special election in the proposed district to submit to the qualified voters thereof the proposition of forming the district and incurring a debt by the issuance of bonds of the district for the purposes set forth in the petition for the formation of the district, if a bonded indebtedness is to be incurred.

CHAPTER 286

An act to add Section 2142.6 to the Welfare and Institutions Code, relating to aid to aged persons.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 2142.6 is added to the Welfare and Institutions Code, to read:

2142.6. No person concerned with the administration of this chapter shall dictate how any recipient shall expend the aid granted to him.

CHAPTER 287

An act to amend Section 14508 of the Revenue and Taxation Code, relating to inheritance taxation.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 14508 of the Revenue and Taxation Code is amended to read:

14508. (a) On the day that the report is filed, or on the next succeeding judicial day, the clerk of the superior court shall give notice of the filing to all persons interested by causing a notice to be posted at the courthouse in the county where the court holds its sessions, and shall mail a copy of the notice to each person chargeable with any tax in the report who has appeared in the probate proceeding.

(b) When an order fixing tax is made and entered, the clerk of the superior court shall mail an endorsed copy of the order to the Controller.

CHAPTER 288

An act to amend Section 339.1 of the Agricultural Code, relating to applications for recording cattle brands.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 339.1 of the Agricultural Code is amended to read:

339.1. The fee for each application for recording a brand is two dollars ($2). Such fee shall entitle the applicant to the recordation of one brand and one duplicate cattle brand registration certificate. The fee for each additional duplicate is one dollar ($1). If the applicant fails to submit within 90 days of the date of receipt by the department of his application all information, documents and imprints required by Article 3 (commencing at Section 336) of this chapter, the application shall lapse and the applicant shall not be entitled to recordation of his brand unless and until he shall have submitted a new application and an additional fee therefor.

CHAPTER 289

An act to amend Section 529 of the Vehicle Code, relating to traffic laws.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 529 of the Vehicle Code is amended to read:

529. When Overtaking on the Right is Permitted. (a) The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a highway within a business or residence district with unobstructed pavement of sufficient width for two or more lines of moving vehicles in the direction of travel.

(3) Upon a one-way street.

(4) Upon any highway outside of a business or residence district with unobstructed pavement of sufficient width and clearly marked for two or more lines of moving traffic in the direction of travel.

(5) Upon a highway divided into two roadways where traffic is restricted to one direction upon each of such roadways.

(b) The driver of a motor vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway.

(c) The provisions of this section shall not relieve the driver of a slow moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

CHAPTER 290

An act to amend Section 596.4 of the Vehicle Code, relating to interference with driver of vehicle.

In effect September 11, 1957

[Approved by Governor May 6, 1957, Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 596.4 of the Vehicle Code is amended to read:

596.4. Interference With Driver or Mechanism of Vehicle. No person shall wilfully interfere with the driver of a vehicle or with the mechanism thereof in such manner as to affect the driver's control of the vehicle. The provisions of this section shall not apply to a drivers' license examiner or other employee of the department when conducting the road or driving test of an applicant for an operator's or chauffeur's license nor to a person giving instruction as a part of a course in driver training conducted by a public school, educational institution or a driver training school licensed by the Department of Motor Vehicles.

CHAPTER 291

An act to amend Section 243 of the Vehicle Code, relating to the transfer of vehicles being wrecked or dismantled.

In effect September 11, 1957

[Approved by Governor May 6, 1957, Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 243 of the Vehicle Code is amended to read:

243. Transfer of Vehicle on Application for Certificate of Dismantling. When any person acquires a vehicle as transferee for the purpose of dismantling or wrecking the same, the title to the vehicle shall be transferred to such person without payment of any transfer fee or prior unpaid transfer fee, if application for the issuance of a certificate of dismantling is made in accordance with the provisions of Section 246.

CHAPTER 292

An act to amend Section 21378 of the Water Code, relating to irrigation districts.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.] In effect September 11, 1957

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. When more than one regular meeting is held each month, the day of the first such meeting in March is the regular monthly meeting day in March for the purposes of this division. 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 293

An act to amend Section 1132 of the Unemployment Insurance Code, relating to notices of assessment.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1132 of the Unemployment Insurance Code is amended to read:

1132. Except in the case of failure without good cause to file a return, fraud or intent to evade any provision of this division or authorized regulations, every notice of assessment shall be made within three years after the last day of the month following the close of the calendar quarter during which the contribution liability included in the assessment accrued or within three years after the deficient return is filed, whichever period expires the later. An employing unit may waive this limitation period or may consent to its extension.

In case of failure without good cause to file a return, every notice of assessment shall be made within eight years after the last day of the month following the close of the calendar quarter during which the contribution liability included in the assessment accrued. An employing unit may waive this limitation period or may consent to its extension.

CHAPTER 294

An act to amend Section 1060 of the Revenue and Taxation Code, relating to property taxation.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 1060 of the Revenue and Taxation Code is amended to read:

1060. A deduction of debts shall be made from the assessed value of solvent credits if a statement under oath showing the amount of the debts in the detail required by the assessor or, if the solvent credits are state-assessed property, by the board is filed with the property statement.

For the purposes of this section only, notes payable, by persons or companies holding a broker's certificate under Title 4, Division 1, Chapter 6 (commencing with Section 25700) of the Corporations Code, to bona fide residents of this State or to persons doing business in this State, shall be included as deductible debts.

CHAPTER 295

An act to add Section 3212.6 to the Labor Code, relating to workmen's compensation.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 7, 1957.]

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

SECTION 1. Section 3212.6 is added to the Labor Code, to read:

3212.6. In the case of a member of a police department of a city or county, or a member of the sheriff's office of a county, when any such member is employed upon a regular, full-time salary, whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographers, telephone operators, and other office workers, the term "injury" includes tuberculosis which develops or manifests itself during a period while such member is in the service of such department or office. The compensation which is awarded for such tuberculosis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the commission is bound to find in accordance with it.

CHAPTER 296

An act to add Section 25828 to the Government Code, relating to the powers of counties.

[Approved by Governor May 7, 1957. Filed with Secretary of State May 7, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25828 is added to the Government Code, to read:

25828. The board of supervisors may loan to any city within its limits which has been incorporated for less than one year an amount not exceeding eighty-five percent (85%) of the city's anticipated revenues for the fiscal year in which such loan is made. Such loans shall be repaid within the fiscal year in which made.

CHAPTER 297

An act to amend Sections 2939 and 2965 of the Civil Code, relating to mortgages.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2939 of the Civil Code is amended to read:

2939. A recorded mortgage must be discharged upon the record by the officer having custody thereof, on the presentation to him of a certificate signed by the mortgagee, his personal representatives or assigns, acknowledged or proved and certified as prescribed by the chapter on "recording transfers," stating that the mortgage has been paid, satisfied, or discharged. Reference shall be made in said certificate to the book and page where the mortgage is recorded.

Mortgage discharge

SEC. 2. Section 2965 of said code is amended to read:

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 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:

Recordation Constructive notice

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.

Statement

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. A statement may be filed setting forth any discharge of a mortgage as to which a statement of recordation is on file. 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).

All fees collected pursuant to this section shall be deposited in the General Fund of the State Treasury.

CHAPTER 298

An act to amend Sections 8115, 8116, 8126, 8130, 8145, 8160, 8237, and 8251 of, and to add Section 8130.1 to, the Streets and Highways Code, relating to separation of grade districts.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 8115 of the Streets and Highways Code is amended to read:

Formation and powers

8115. Separation of grade districts may be formed as provided in this part and may exercise the powers herein granted. Any such district shall consist of contiguous areas within a single county and shall include either a city and unincorporated territory or two or more cities with or without unincorporated territory.

SEC. 2. Section 8116 of said code is amended to read:

Resolution of intention

8116. Whenever the board of any county finds that the safety and welfare of the residents of contiguous areas within the county require formation of a district to provide for a separation of grade, it shall by resolution so declare. If two or more cities are involved without any unincorporated territory no resolution shall be adopted under this section until the interested city councils request by resolution the adoption of such resolution.

SEC. 3. Section 8126 of said code is amended to read:

Majority vote

8126. If a majority of votes cast in each city and if a majority of votes cast in the unincorporated area within the proposed district are favorable, the board shall, by resolution, declare the district duly organized, state its name and describe its boundaries.

SEC. 4. Section 8130 of said code is amended to read:

Members

8130. Upon the completion of the formation of the district, if the district is comprised of one city and unincorporated territory, the board shall appoint a commission composed of five members, three of whom shall be electors in the city and two of whom shall be electors in the unincorporated area within the district.

SEC. 5. Section 8130.1 is added to said code, to read:

Members

8130.1. Upon the completion of the formation of the district, if the district is comprised of two or more cities and unincorporated territory, the board shall appoint a commission composed of five members. The number of commissioners shall be so divided as to relate the number of commissioners from each unit as closely as possible to the proportion which the assessed valuation of that unit, as shown on the last equalized assessment roll of the county, bears to the total assessed valuation within the district at the time the district is formed, except that each unit shall have at least one commissioner. For the purposes of this section, all of the unincorporated area in the district shall be considered a single unit.

If the district is comprised of two or more cities, without unincorporated territory, the appointment of commissioners shall be by the city councils of the respective cities, each such council appointing the number determined by the board as provided above.

SEC. 6. Section 8145 of said code is amended to read:

Powers and duties

8145. The commission shall have power:

(a) To sue and be sued in its own name.

(b) To adopt a seal.

(c) To lay out, establish, construct and maintain projects for separation of grade by underpass, overpass, or tunnel, or any combination thereof, over or under one or more city streets, county roads or highways, state highways, railroads, street railroads, or other intersecting means of transportation, or combination thereof within the district, and for this purpose to acquire by purchase, gift, devise, condemnation or otherwise, and pay for and hold real and personal property

and rights of way within the district. As to any project which would involve a state highway, the commission shall obtain the approval of the State Department of Public Works, Division of Highways, as to the plans and such project shall be constructed pursuant to an agreement between the commission and the said department, as may be provided in said agreement. As to any project which would involve a railroad, or street railroad, the district shall be governed by Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code and by any other applicable provisions of law; and for the purposes and within the meaning of Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code, and for such purposes and meaning only, a "separation of grade district" is hereby declared to be a "political subdivision" and the "commission" of a separation of grade district is hereby declared to be the "legislative body" of a political subdivision.

(d) To enter into an agreement with any city or county to provide for the relocation, redesign, or improvement of any street in the city or county directly affected by or which is an integral part of, a separation of grade project. The district may expend funds pursuant to such an agreement.

(e) To remove an obstacle to traffic flow which otherwise would require constructing a separation of grade.

(f) To exercise the power of eminent domain to the full extent necessary to carry out the provisions of this part.

(g) To make and accept all contracts, deeds, releases, and documents of any kind which shall be necessary or proper to the exercise of any of the powers of the district.

(h) To direct the payment of all lawful claims and demands against the district.

(i) To levy and collect taxes as hereinafter provided.

(j) To borrow for the purpose of defraying general administrative and preliminary engineering expenses of the district prior to the time the money to be raised by the first tax levy for the district will be available, and to evidence such borrowing by nonnegotiable notes bearing interest at a rate to be fixed by the commission The notes shall be signed by the president and countersigned by the secretary of the commission. The notes shall be payable from the first tax levy made by the district, and that tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon.

(k) To issue bonds as hereinafter provided, and provide for their payment.

(*l*) To employ all necessary engineers, surveyors, agents and workmen to do the work on or in connection with the project or projects in the district; and to contract for engineering services with any city within the district or with the county.

(m) To do any and all things necessary or proper for the complete exercise of its powers and the accomplishment of the purpose for which it was formed.

SEC. 7. Section 8160 of said code is amended to read:

8160. Before the construction of any project, and before the calling of any election for the issuance of bonds, the commission shall employ one or more engineers, or contract for engineering services with any city within the district or with the county, who shall make all necessary surveys, and prepare maps showing the location, cross-section and profile of the proposed project. The engineer shall also prepare specifications for the construction of the project and estimates of the cost of construction and of acquiring rights of way. These surveys, maps, specifications and estimates shall, upon approval by the commission, be promptly adopted by order entered upon the minutes and filed with its secretary, and when so adopted shall constitute the plan of the district for the proposed project. Preliminary plans and surveys

SEC. 8. Section 8237 of said code is amended to read:

8237. After any project has been completely constructed the commission may at its option convey all the right, title and interest of the district in and to that project to the city in which the project was constructed or county if the project is in an unincorporated area; provided, the governing body of the city or county consents to and accepts the conveyance, and agrees to maintain the project. All projects so conveyed shall be held by the city or county without any further liability or responsibility on the part of the district. No such conveyance shall affect the liability of the district for any bonds previously issued by the district. Conveyance

SEC. 9. Section 8251 of said code is amended to read:

8251. Upon dissolution of a district containing a single city, any property which may have been acquired by the district shall vest in the city, except projects theretofore transferred and conveyed to the county under the provisions of Chapter 11 of this part. Disposition of property

Upon dissolution of a district containing two or more cities, undisposed of property shall be distributed by the commission to the cities by a formula based on the assessed valuation of property contained in the cities as shown on the last equalized assessment roll of the county.

CHAPTER 299

An act to amend Sections 5515, 5550, 5561 and 5587 of, and to add Sections 5552, 5553 and 5577 to, the Business and Professions Code, relating to the practice of architecture.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 5515 of the Business and Professions Code is amended to read:

Board membership

5515. The terms of the members of the state board in office when the amendment to this section takes effect shall expire as follows: Two members, January 15, 1942; four members, January 15, 1943; three members, January 15, 1944; one member, January 15, 1945.

Appointments to fill the vacancies arising by reason of the expiration of term of office shall be filled as follows: For vacancies occurring January 15, 1942, one person shall be appointed; for vacancies occurring January 15, 1943, two persons shall be appointed; for vacancies occurring January 15, 1944, one person shall be appointed; and for vacancies occurring January 15, 1945, one person shall be appointed. Thereafter there shall be as many appointments as there are vacancies. Every person appointed after January 15, 1942, shall serve for four years and 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.

Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

SEC. 2. Section 5550 of said code is amended to read:

Examination

5550. Subject to the rules and regulations governing examinations, any person who meets the qualifications set forth in this article shall be entitled to an examination for a certificate to practice architecture. Before taking the examination he shall file his application therefor with the secretary and pay the application fee fixed by this chapter. The fee shall be retained by the board.

SEC. 3. Section 5552 is added to said code, to read:

Applicants' Requirements

5552. The applicant for a certificate to practice architecture shall:

(a) Be of good character;

(b) Furnish evidence of having completed seven years of training and educational experience in actual practice of architectural work. A five-year degree from a school of architecture approved by the board shall be deemed equivalent to five years of training and educational experience in the actual practice of architectural work.

SEC. 4. Section 5553 is added to said code, to read:

Denial of certificate

5553. Issuance of a certificate may be denied if evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by the holder of certificate of registration, would be grounds for the suspension or revocation of such certificate. The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. Section 5561 of said code is amended to read:

5561. All accusations against licensees charging the holder of a certificate issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board within two years after the act or omission alleged as the ground for such disciplinary action, except that with respect to an accusation alleging a violation of Section 5579, the accusation may be filed within two years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5579. Accusations

SEC. 6. Section 5577 is added to said code, to read:

5577. The conviction of a felony in connection with the practice of architecture by the holder of a certificate constitutes a ground for disciplinary action. The record of conviction or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is obtained, is conclusive evidence of the conviction. Felony

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 section. 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.

SEC. 7. Section 5587 of said code is amended to read:

5587. 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. Insanity, etc

CHAPTER 300

An act to amend Section 2866 of, and to add Section 2879 to, and to repeal Section 2879 of, the Business and Professions Code, relating to vocational nursing.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 2866 of the Business and Professions Code is amended to read:

Applicant Requirement

2866. An applicant for a licensed vocational nurse license shall comply with each of the following:

(a) Be at least 17 years of age.

(b) Be a citizen of the United States or have indicated intention to become a citizen of the United States. A statement under oath shall be sufficient proof of citizenship or intention to become a citizen.

(c) Have successfully completed at least an approved course of study through the tenth grade or the equivalent thereof as specified by the board.

(d) Have successfully completed the prescribed course of study in an accredited school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an accredited school of vocational nursing in this State.

(e) Have committed no act which, if committed by a licensee, would be a ground for disciplinary action.

Repeal

SEC. 2. Section 2879 of said code is hereby repealed.

SEC. 3. Section 2879 is added to said code, to read:

Insanity, etc.

2879. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental 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. Provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the licensee is restored to mental competency, shall

constitute competent evidence of restoration of sanity. 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 301

An act to amend Section 307 of the Vehicle Code, relating to driving a motor vehicle.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 307 of the Vehicle Code is amended to read:

Suspension of license. Drunk driving

307. Suspension or Revocation of License Upon Conviction of Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor. (a) The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows:

1. Upon a first such conviction other than under Section 501 such privilege shall be suspended for a period of 90 days, unless the court in case of the first conviction only suspends the license under authority of Section 292 or recommends no such suspension.

2. Upon a first such conviction under Section 501 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as provided in this code.

3. Upon a second such conviction within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as provided in this code.

4. Upon a second such conviction under Section 501 within three years, such privilege shall be permanently revoked

5. Upon a third or subsequent such conviction within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as provided in this code.

Date of suspension

(b) Every such suspension shall begin to run from the date the license is surrendered to the judge as hereinafter required or if for any reason the license is not surrendered to the judge at the time of conviction the suspension shall run from the date the licensee is notified of the suspension by the department.

(c) Any court in which any person is convicted of operating a motor vehicle while under the influence of intoxicating liquor, shall, unless the court, in case of the first conviction only, recommends to the department that there be no license suspension, require the surrender to it of any operator's or chauffeur's license held by such person and the court shall thereupon forward any said license to the department.

(d) Nothing in this section as amended shall change any suspension or revocation made under the authority of this section prior to the amendment hereof.

CHAPTER 302

An act to amend Section 1 of Chapter 647 of the Statutes of 1955, relating to tidelands and submerged lands in San Luis Obispo County.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 1 of Chapter 647 of the Statutes of 1955 is amended to read:

Section 1. There is hereby granted to the Port San Luis Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands described as follows:

That portion of San Luis Bay lying within the tract bounded by a line beginning at the point of intersection of the O.H. W.M. along the shore of the Pacific Ocean and the most southerly line of Lot 7 in Block 14 of Tract No. 57, El Pismo Manor No. 1, as per map thereof recorded in Book 5, page 76 of Maps in the Office of the County Recorder of the County of San Luis Obispo, State of California, thence due South, into the Pacific Ocean, a distance of 3 miles, thence N 60° W 5500 feet, thence N 80° W 7000 feet, thence S 70° 19′ 57″ W 16,180 feet, thence N 30° E 3 miles, more or less, to the intersection with O.H. W.M. of the Pacific Ocean, said intersection bearing S. 27° 58′ 11″ W 190 feet, from that certain lighthouse at Point San Luis having a latitude of 35 degrees, 9 minutes, 37.28 seconds North and longitude 120 degrees, 45 minutes, 35.38 seconds West, thence following the line of Ordinary High Water Mark along the shore of San Luis Bay to the point of beginning, together with all salt marsh, tidelands, submerged lands and swamp and overflowed lands within San Luis Creek.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to-wit:

(a) That said lands shall be used by said district, and its successors, 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 district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges including those certain leases (1) between the State of California and Port San Luis Transportation Company, dated April 13, 1951, as amended March 26, 1954 (P. R. C. 560.1), (2) between the State of California and the Union Oil Company of California, dated February 28, 1941 (Lease 675/PC—33.9), (3) between the State of California and the Union Oil Company of California, dated November 21, 1949 (Lease P. R. C. 478.1), and (4) between the State of California and California Packing Corporation and Carmel Canning Company, dated September 5, 1951 (P. R. C. 644.1).

(b) That said lands shall be substantially improved by said district 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 district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service

in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 2. This act shall become operative November 21, 1957.

CHAPTER 303

An act to amend Section 28128 of the Government Code, relating to compensation for public services in counties of the twenty-eighth class.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 28128 of the Government Code is amended to read:

San Luis Obispo County Compensation

28128. In a county of the twenty-eighth class the following shall receive as compensation for the services required by them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor four thousand five hundred dollars ($4,500) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed

eight cents ($0.08) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed eight cents ($0 08) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expenses for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

Each juror, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and seven and one-half cents ($0.075) for each mile actually traveled in the performance of such duties.

Each juror, for acting as a trial juror in criminal or civil cases for each day's attendance for trial, five dollars ($5), and seven and one-half cents ($0.075) for each mile actually and necessarily traveled from their residence to and from the superior court or justice court.

Mileage shall be allowed grand jurors and trial jurors but once for each day they are required to and do attend. No mileage shall be allowed for traveling outside of the county.

CHAPTER 304

An act to amend Section 27188 of the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8. 1957]

In effect September 11, 1957

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

SECTION 1. Section 27188 of the Streets and Highways Code is amended to read:

27188. The board of directors shall, for the protection of a bridge and highway district, insure any bridge or other facility constructed or acquired under the provisions of this act against all risks to such extent as it deems necessary. In case of damage or destruction, the proceeds of such insurance shall be applied to the restoration of such bridge or facility. Any such bridge or facility may be insured, irrespective of the retirement of all indebtedness incurred for its construction or acquisition, and the cost of such insurance shall be paid from any funds available to the district.

CHAPTER 305

An act to amend Section 2920 of the Penal Code, relating to the right to time credits.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 2920 of the Penal Code is amended to read:

Time credit reductions to prisoners

2920. Every prisoner who has committed no infraction of the rules or regulations of the prison, or the laws of the State, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the prison officials, and in whose behalf the Director of Corrections shall file a report certifying that his conduct and work have been satisfactory and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the board, be allowed time credit reductions from his term of confinement (instead of and in lieu of such time credits as were heretofore allowed by law) a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and correspondingly for any part of the year, where such term of confinement is for more or less than a year. The mode of reckoning credits, recommended by the Director of Corrections and allowed by the board, shall be as shown by the following table:

Number of years of sentence	Good time that may be earned	Total good time that may be earned		Time to be served if full credits earned	allowed
1st year	2 months	2 months			10 months
2d year	2 months	4 months		1 year	8 months
3d year	4 months	8 months		2 years	4 months
4th year	4 months	1 year		3 years	
5th year	5 months	1 year	5 months	3 years	7 months
6th year	5 months	1 year	10 months	4 years	2 months
7th year	5 months	2 years	3 months	4 years	9 months
8th year	5 months	2 years	8 months	5 years	4 months
9th year	5 months	3 years	1 month	5 years	11 months
10th year	5 months	3 years	6 months	6 years	6 months

"Term of confinement"

And so on, through as many years as may be the time of confinement. The phrase "term of confinement" as used herein shall not in any case be construed to include sentences for crimes committed while under commitment to a state prison but in all such cases the credits shall be computed on the separate sentence resulting from such conviction.

CHAPTER 306

An act to amend Section 1001 of the Government Code, relating to civil executive officers.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1001 of the Government Code is amended to read:

1001. The civil executive officers are: a Governor; a private secretary and an executive secretary for the Governor; a Lieutenant Governor; a Secretary of State; a Deputy Secretary of State; a Keeper of Archives of State for Secretary of State; a bookkeeper for the Secretary of State; three recording clerks for the Secretary of State; a Controller; a Deputy Controller; a bookkeeper for the Controller; five clerks for the Controller; a Treasurer; a Deputy Treasurer; a bookkeeper for the Treasurer; a clerk for six months in each year for the Treasurer; an Attorney General and all assistant and deputy attorneys general; a Superintendent of Public Instruction; one clerk for the Superintendent of Public Instruction; an Insurance Commissioner; a deputy for the Insurance Commissioner; four port wardens for the Port of San Francisco; a port warden for each port of entry except San Francisco; five State Harbor Commissioners for San Francisco Harbor; six pilots for each harbor where there is no board of pilot commissioners; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; nine members of the State Board of Agriculture; four members of the State Board of Equalization; a clerk of the Board of Equalization; three members of the State Board of Education; a librarian for the Supreme Court Library and the chief deputy clerk and the deputy clerks of the Supreme Court; five directors for the insane asylum at Stockton; five directors for the insane asylum at Napa; the manager, assistant manager, chief counsel and division chiefs, State Compensation Insurance Fund; the head of each department and all chiefs of divisions, deputies and secretaries of a department; such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities or of the health, school, election, road, or revenue laws.

CHAPTER 307

An act to add Section 1300.19-2 to the Agricultural Code, relating to agricultural commodities regulated by marketing orders or marketing agreements.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1300.19-2 is added to the Agricultural Code, to read:

1300.19-2. The provisions of subsections (n), (o), (p) and (q) of Section 1300.19 hereof shall apply to any lot of any agricultural commodity regulated by a marketing order or marketing agreement wherever, or in whose possession, such lot may be in the marketing channels within the State of California.

CHAPTER 308

An act to amend Section 92.6 of the Agricultural Code, relating to fairs.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 92.6 of the Agricultural Code is amended to read:

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 previous calendar year with the Department of Finance on or before the twentieth day of January in each year. The content and form of such statement shall be prescribed by said department.

CHAPTER 309

An act to amend Section 1243 of the Penal Code, relating to appeals from judgments of conviction.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 1243 of the Penal Code is amended to to read:

1243. An appeal to the Supreme Court or to a district court of appeal from a judgment of conviction stays the execution of the judgment in all cases where sentence of death has been imposed, but does not stay the execution of the judgment or order granting probation in any other case unless the trial or appellate court shall so order. The granting or refusal of such order shall rest in the discretion of the court. If such order is made, the clerk of the court shall issue a certificate stating that such order has been made.

CHAPTER 310

An act to repeal Section 1126 of the Welfare and Institutions Code, relating to merit system at the Ventura School for Girls.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1126 of the Welfare and Institutions Code is repealed.

CHAPTER 311

An act to amend Section 1000 of the Welfare and Institutions Code, relating to the jurisdiction of the Department of the Youth Authority.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11 1957

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

SECTION 1. Section 1000 of the Welfare and Institutions Code is amended to read:

1000. The Department of the Youth Authority has jurisdiction over all educational training and treatment institutions now or hereafter established and maintained in the State as correctional schools for the reception of wards of the juvenile court and other persons committed to the department.

CHAPTER 312

An act to amend Section 1350 of the Insurance Code, relating to insurance.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1350 of the Insurance Code is amended to read:

1350. The commissioner shall issue a certificate of authority to the attorney upon compliance with the requirements of this chapter, and the payment of an application fee of fifty dollars ($50). Such certificate shall authorize the making, by the attorney, of contracts of insurance under the provisions of this chapter. It shall also specify:

(a) The classes of insurance to be effected.

(b) The name of the attorney.

(c) The location of the principal office.

(d) The name under which such contracts of insurance are issued.

CHAPTER 313

An act to add Section 459.9 to the Vehicle Code, relating to the closing of streets to vehicular traffic by local authorities.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 459.9 is added to the Vehicle Code to read:

459.9. Local Authority to Close Streets. The provisions of this division shall not prevent local authorities within the reasonable exercise of the police power from adopting rules and regulations by ordinance or resolution closing to vehicular traffic that portion of any street or highway crossing or dividing any school ground or grounds when in the opinion of the legislative body having jurisdiction such closing is necessary for the protection of persons attending such school or school grounds The closing to vehicular traffic may be limited to such hours and days as the legislative body may specify. No such ordinance or resolution shall be effective until appropriate signs giving notice thereof are posted along the street or highway affected, nor in the case of state highways, until such ordinance or resolution is approved by the Department of Public Works.

CHAPTER 314

An act to add Section 29700.1 to the Government Code, relating to the matter of itemization of claims for payment of public assistance orders.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 29700.1 is added to the Government Code, to read:

29700.1. In any claim filed by a vendor or supplier against a county or any county or district fund for groceries or household supplies furnished to a recipient of aid from any public bureau of public assistance or department of charities, the board of supervisors may accept, in lieu of the detailed itemization required by Section 29700, a general statement of the total selling price of such groceries and of such household supplies sold and delivered to the recipient named in such claim, which statement shall as to such groceries and household supplies be a sufficient itemization.

CHAPTER 315

An act to amend Section 75033 of the Government Code, relating to retirement of judges.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 75033 of the Government Code is amended to read:

75033. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected as such by vote of the people, is discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, he shall have the right to elect in writing filed with the State Controller within ninety (90) days thereafter, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A judge who so elects to allow his accumulated contributions to remain in the fund shall, upon his application therefor to the State Controller after attaining age 65, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

CHAPTER 316

An act to amend Sections 5932.5 and 7801.5 of the Elections Code, relating to absentee ballots.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5932.5 of the Elections Code is amended to read:

5932.5. The ballots referred to in Section 5932 shall be received not later than nine days after the day of election, except in the case of a municipal election in a general law city in which case such ballots shall be received by the clerk as provided in Section 5932.

Time for return of ballots

SEC. 2. Section 7801.5 of said code is amended to read:

7801.5. The canvassing of absent voters' ballots shall be commenced not later than the tenth day after the election.

Time for canvassing

CHAPTER 317

An act to amend Sections 5910 and 5911 of the Elections Code, relating to the mailing of absent voters' ballots.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 5910 of the Elections Code is amended to read:

Envelopes

5910. The identification envelope and return envelope provided for shall be of such form, size and weight as may be necessary and convenient as prescribed by the clerk of the county, municipality, or district, wherein any election is conducted. There shall be printed on the upper right-hand corner of the return envelope the words "Affix stamp here."

SEC. 2. Section 5911 of said code is amended to read:

Identification envelope Form of declaration

5911. The identification envelope shall have printed on its face a declaration substantially in the following form:

IDENTIFICATION ENVELOPE

State of _____ }
County of _____ } ss.

_____ declares: I am a resident of and a voter in _____, Precinct _____, in the City or Town of _____, County of _____, State of California, and I herein enclose my ballot in compliance with Chapter 5, Division 8, of the Elections Code. I declare under the penalty of perjury that the above declarations are to the best of my knowledge and belief true and correct.

_____
Date of signing

_____
(Signature)

_____
(Residence address)

Notice—When voting outside the office in which this ballot was issued, you must immediately return it by mail to the officer from whom it was received.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING BOARD

Sec. 5909, second sentence, Elections Code. "No officer of this State may make any charge for services rendered to any voter under the provision of this chapter."

Any person making the declaration provided for in this section who wilfully states as true any material matter which he knows to be false is punishable by imprisonment in the state prison for not less than one nor more than fourteen years.

CHAPTER 318

An act to amend Sections 7000.2 and 7095 of the Education Code, relating to school apportionments.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7000.2 of the Education Code is amended to read:

7000.2. "Current tax rate" as used in Section 7000.1 shall mean the total of the rates of school district taxes levied for any school district and rates of municipal taxes levied for school purposes of such district in the fiscal year for which such added amount of assessed valuation is determined on each one hundred dollars ($100) of assessed valuation within the district or municipality, as the case may be, other than rates of tax levied under Sections 1599.1, 4963.2, 5063, 6357.2, 7516, 7736 and 19613.6. "Current tax rate"

SEC. 2. Section 7095 of said code is amended to read:

7095. No state equalization aid shall be allowed under this article, during the Fiscal Year 1954-55, or during any other subsequent fiscal year unless there shall have been levied pursuant to this code, for such district during the preceding fiscal year, exclusive of tax levied under Sections 1599.1, 4963.2, 5063, 6357.2, 7516, 7736, 14725, 14775, and 19613.6, a tax not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district, and thirty cents ($0.30) if a junior college district. State equalization aid

---

CHAPTER 319

An act to amend Section 92 of the Agricultural Code, relating to agricultural fairs.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 92 of the Agricultural Code is amended to read:

92. The Department of Finance shall apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural, mineral and livestock exhibits, and exhibits of domestic arts, agricultural mechanics and industrial education made or manufactured for other than commercial purposes Allocation of state premium money

in each year. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined.

Advances

The Department of Finance, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the Director of Finance, the county or district agricultural association will become entitled for that year. The county or district agricultural association shall deposit such money in a separate bank account approved by the Director of Finance in accordance with the provisions of Section 16506 of the Government Code. Such money may be expended for premiums, capital outlay, including purchase of land, construction, improvements, equipment, for the acquisition, installation, maintenance, and operation of recreational facilities at fairgrounds of the county or district agricultural associations or support of county or district agricultural association fairs pursuant to a budget submitted to, and approved by, the Department of Finance subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

Statement of premiums paid

All sums expended from such moneys for construction and improvements by counties shall be subject to the provisions of Sections 25450 to 25463, inclusive, of the Government Code. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Finance on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year.

Maximum base of allocation

Six thousand dollars ($6,000) shall be the maximum base of allocation paid any fair for its first year of operation, and thereafter in each subsequent year in which a fair is held the maximum base of allocation shall increase by 10 percent over the maximum base for the year in which a fair was last held.

In the event the premiums paid during any year in which a fair is held are less than the maximum base of allocation for that year, the base of allocation for that year shall be the premiums so paid during such year. For any fair operated prior to 1933 which received, or was qualified to receive, money from appropriations for the support of agricultural fairs, the basis may be increased 10 percent for each year in which a fair was held from the time the fair was first held, except that if no fair was held by the county or district for a period of five or more years the percentage of increase shall apply only from the first fair held after said period. Any fair may pay premiums in an amount greater than that used as the base of apportionment to it.

Rules and regulations

The Department of Finance shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits. Said rules and regulations and the

maximum amount of premiums which may be offered and paid shall be exempt from the provisions of Section 11380 of the Government Code but may be filed with the Secretary of State under the provisions of Section 11385 of the Government Code. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations.

Limitations

No allotment from the apportionment herein provided shall be made for more than one fair in any one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated, except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section. No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs. On or after January 1, 1943, allotments from the appropriation herein provided shall be made only to district agricultural associations or counties which received allotments under this section on the basis of the premiums paid at fairs held during the calendar year 1941 except that: (1) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941 may receive an allotment as provided in this section unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941; (2) Solano County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Solano County received an allotment during the calendar year 1941; (3) Marin County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district of which Marin County is a part received an allotment during the calendar year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera Counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera Counties each received an allotment during the calendar year 1941; (6) a district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, may receive an allotment as provided in this section; provided, the board of supervisors of each county, whose

area lies in whole or in part within the boundaries of the agricultural district and which received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, shall by resolution announce its intention to permanently discontinue the holding of fairs for which the county would be eligible to participate in the allocation from the appropriation herein provided. A certified copy of said resolution shall be filed with the Department of Finance. Upon adoption of said resolution by the board of supervisors, and the filing thereof as herein provided, the county referred to shall no longer be eligible to receive allotments under this section and the district agricultural association which becomes eligible to receive an allotment due to the adoption of said resolution shall, for the purpose of determining the maximum base of allocation for said association, be entitled to receive credit for the fairs previously held by said county and said fairs shall be considered as fairs held by the association in calculating the maximum base for said association as provided herein. Within one year from and after the date said resolution is adopted, the county shall pay to said district agricultural association the unexpended balance of any moneys previously apportioned to said county under this section. Notwithstanding the foregoing provisions of this paragraph a district agricultural association of a district created subsequent to January 1, 1943, may receive an allotment as provided in this section.

Examination of books, etc

The Department of Finance, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Finance.

CHAPTER 320

An act to add Section 3106.5 to the Revenue and Taxation Code, relating to the registration of vessels.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 3106.5 is added to the Revenue and Taxation Code, to read:

3106.5. The number appearing on the certificate of registration must be permanently affixed to each bow of the vessel to which it has been assigned, and such figures and letters must be not less than three inches in height, and must be in such color and manner as to be distinctly visible and legible.

CHAPTER 321

An act to add Sections 109.5 and 618 to the Revenue and Taxation Code and to amend Sections 1612, 1614, 1646, 2152 and 2601 of said code, all relating to machine-prepared assessment rolls.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 109.5 is added to the Revenue and Taxation Code, to read:

"Machine-prepared roll"

109.5. "Machine-prepared roll" means an assessment roll prepared by electronic processing equipment or other mechanical device. A machine-prepared roll may be prepared in either preliminary or final form and either a preliminary or final form shall be deemed a roll wherever that term is used in this division.

SEC. 2. Section 618 is added to said code, to read:

Contents, etc., of roll

618. Notwithstanding any other provisions of this article, when the assessment roll is a machine-prepared roll the contents of the roll and the arrangement of property on the roll may be prescribed by the board.

SEC. 3. Section 1612 of said code is amended to read:

Record of changes, etc

1612. The clerk of the county board shall record, in a book kept for that purpose, all changes and orders made by the county board and, during its session or as soon as possible after its adjournment, shall either enter all such changes on the local roll or, if the roll is a machine-prepared roll, prepare a separate statement listing all such changes.

SEC. 4. Section 1614 of said code is amended to read:

Delivery of roll, affidavit

1614. On the third day after adjournment of the county board, the clerk shall either:

(a) Deliver the corrected local roll to the auditor with an affixed affidavit, subscribed by him, as follows:

"I, _____, swear that, as Clerk of the Board of Equalization of _____ County, I have kept correct minutes of all the acts of the board touching alterations in the assessment roll, that all alterations agreed to or directed to be made have been made in the roll, and that no alterations have been made except those authorized," or, if the roll is a machine-prepared roll,

(b) Deliver the assessment roll and a separate statement of all changes made by the county board to the auditor with an affixed affidavit, subscribed by him, as follows:

"I, _____, swear that, as Clerk of the Board of Equalization of _____ County, I have kept correct minutes of all the acts of the board touching alterations in the assessment roll, that all alterations agreed to or directed to be made have been included in the attached statement and that no other alterations are included therein."

SEC. 5. Section 1646 of said code is amended to read:

Entry of valuations

1646. As soon as the auditor receives the local roll from the clerk of the county board, he shall add up the valuations on it and enter on the roll the total valuation of each kind of property and the total valuation of all property; provided, however, that if the assessment roll is a machine-prepared roll the prescribed computations and entries may be made and entered upon a newly prepared roll which shall incorporate the adjustments authorized by the local board of equalization.

SEC. 6. Section 2152 of said code is amended to read:

2152. The auditor shall then:

Entry of taxes

(a) Compute and enter in a separate column on the roll the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property listed. Notwithstanding any contrary provisions elsewhere set forth in the law, all rates applicable to any assessment may be combined into a single figure for purposes of computation and extension of the roll.

(b) Place in other columns the respective amounts due in installments.

(c) Foot each column, showing the totals.

Provided, however, that if the assessment roll is a machine-prepared roll the above prescribed computations and entries may be made and entered upon a newly prepared roll which shall incorporate the adjustments authorized by the local board of equalization.

SEC. 7. Section 2601 of said code is amended to read:

Delivery of secured roll; affidavit

2601. On or before October 1st, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the clerk of the county board of equalization, with his affixed affidavit; that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll the auditor shall deliver the preliminary form of the roll and the statement of changes referred to in Section 1614 to the assessor and shall deliver the final form of the roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the County and State Boards of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law.

CHAPTER 322

An act to amend Sections 32171, 32173, 32175, and 32176 of, and to add Section 32179 to, the Revenue and Taxation Code, relating to the alcoholic beverage tax.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 32171 of the Revenue and Taxation Code is amended to read:

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:

Presumption in place of sale Beer

(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.

SEC. 2. Section 32173 of said code is amended to read:

32173. It shall be presumed, for the purposes of this part, 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 part.

Wine

SEC. 3. Section 32175 of said code is amended to read:

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 beer manufacturer or 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.

Beer and wine

SEC. 4. Section 32176 of said code is amended to read:

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

Tax credit

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.

A wine grower may claim credit with respect to excise taxes on wine purchased state tax paid from another wine grower and subsequently exported or sold for export and actually exported.

SEC. 5. Section 32179 is added to said code, to read:

Exemption

32179. Any claim for exemption from taxes under this article shall be made to the board in such manner as the board shall prescribe.

CHAPTER 323

An act to amend Section 17 of the Revenue and Taxation Code, relating to the definition of the word "oath."

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 17 of Revenue and Taxation Code is amended to read:

17. "Oath" includes affirmation and written declarations signed under the penalties of perjury.

CHAPTER 324

An act to repeal Section 634 of, and to add Sections 632.1 and 634 to, the Vehicle Code, relating to driving and passing lamps on motor vehicles.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 632 1 is added to the Vehicle Code, to read:

Auxiliary driving and passing lamps

632.1. Auxiliary Driving and Passing Lamps. (a) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height of not less than 16 inches nor more than 42 inches. Driving lamps are lamps designed for supplementing the upper beam from headlamps and may not be lighted with the lower beam.

(b) Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height of not less than 24 inches nor more than 42 inches. Passing lamps are lamps designed for supplementing the lower beam from headlamps and may also be lighted with the upper beam.

Repeal

SEC 2. Section 634 of said code is repealed.

SEC. 3. Section 634 is added to said code, to read:

Fog lamps

634 Fog Lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a

height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams, subject to the limitations of subdivision (b) of Section 648.

CHAPTER 325

An act to amend Section 635 of the Vehicle Code, relating to side, cowl, or fender lamps.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 635 of the Vehicle Code is amended to read:

635. Side, Cowl or Fender Lamps. Any motor vehicle may be equipped with not more than two lighted side lamps, and in addition not more than two lighted cowl or fender lamps, but the light source in any such lamps shall not exceed four standard candlepower and shall emit diffused amber or white light without glare.

CHAPTER 326

An act to amend Section 674 of the Vehicle Code, relating to mirrors on vehicles.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 674 of the Vehicle Code is amended to read:

674. Mirrors. Every motor vehicle registered in this State shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

CHAPTER 327

An act to add Section 140.4 to the Vehicle Code, relating to special permits for vehicles used in disaster relief work.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 140.4 is added to the Vehicle Code, to read:

140.4. Special Permit for Disaster Relief Work. Any vehicle of a type subject to registration hereunder may be operated within a disaster area or region for the purpose of assisting in disaster relief work, under a special permit to be issued by the department for such purpose, without the registration of such vehicle.

Said permit shall be issued only if the Department of Public Works or the responsible local authority has determined that the vehicle is necessary for such purpose, and shall be valid only during a period of a state of disaster as proclaimed by the Governor under the provisions of the California Disaster Act as contained in the Military and Veterans Code.

CHAPTER 328

An act to amend Section 278 and to add Section 278.1 of the Vehicle Code, relating to renewal of drivers licenses.

In effect September 11, 1957

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.]

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

SECTION 1. Section 278 of the Vehicle Code is amended to read:

Renewal of license

278. Renewal of License. Application for renewal of a license shall be made by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. Before issuing any license or renewing any license, the department shall check the record of the applicant for conviction for traffic violations and traffic accidents. The department may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can and will operate a motor vehicle safely. The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only.

SEC. 2. Section 278.1 is added to the Vehicle Code, to read:

Grounds for withholding license

278.1. Grounds Requiring Withholding of License. The department shall, before issuing any license or renewing any license, check the record of the applicant for notices of failure to appear in court filed with it pursuant to subdivision (b) of Section 742, and shall withhold or shall not issue a license to any applicant who has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated. In lieu of the certificate of adjudication, a notice from the court stating that the original records have been lost or destroyed shall permit the department to issue a license.

CHAPTER 329

An act to amend Section 8 of Chapter 129 of the Statutes of 1867-1868, relating to the conveyance of certain streets and alleys to the City of Red Bluff, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect immediately

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

SECTION 1. Section 8 of the act cited in the title hereof is amended to read:

Sec. 8. The Judge of the Superior Court in and for the County of Tehama, as successor to the county judge of said county, is hereby authorized to convey the title in fee to the streets or alleys between Blocks 1 and 17, and 2 and 16, of the City of Red Bluff, as shown on the official map thereof, to the City of Red Bluff. The city council of said city may vacate said streets or alleys and convey title thereto upon such terms and conditions as it deems appropriate in the public interest.

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

This act is necessary to clear the title to the real property involved by vacating an easement for a nonexisting street or alley. A school building will be constructed on the property, and it is necessary that this act take effect immediately to prevent delay in commencing the construction thereof.

CHAPTER 330

An act to amend Section 6506 of the Government Code, relating to joint exercise of powers.

[Approved by Governor May 6, 1957. Filed with Secretary of State May 8, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6506 of the Government Code is amended to read:

6506. The agency or entity provided by the agreement to administer or execute the agreement may be one of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation designated in the agreement.

CHAPTER 331

An act to amend Section 1203.2 of the Penal Code, relating to probation proceedings.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 1203.2 of the Penal Code is amended to read:

1203.2. At any time during the probationary period of the person released on probation in accordance with the provisions of these sections, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating any of the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for. If probation has been revoked either before or after judgment has been pronounced, the order revoking probation and the judgment, if any, may be set aside for good cause upon motion made before pronouncement of judgment or, if judgment has been pronounced, within 30 days after the court has notice that execution of the sentence has commenced. If an order setting aside the judgment or the revocation of probation or both is made after the expiration of the probationary period, the court may again place the defendant on probation for such period and with such terms and conditions as it could have done immediately following conviction.

CHAPTER 332

An act to amend Section 957 of the Welfare and Institutions Code, relating to juvenile homes and camps.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 957 of the Welfare and Institutions Code is amended to read:

957. Where any such juvenile home or camp is established, or is to be established, and where the minimum standards and qualifications provided for in Section 955 of this article have been complied with by the county, the State of California, through the Youth Authority, out of any money herein appropriated, shall reimburse the county to the amount of one-half the cost of maintaining each child in such home or camp, but in no event shall such county receive more than ninety-five dollars ($95) per month per child.

Whenever a claim made by a county pursuant to this section covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying the adjustment to the appropriation for the prior fiscal year.

CHAPTER 333

An act to amend Section 1767.5 of the Welfare and Institutions Code, relating to the care of paroled persons.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1767.5 of the Welfare and Institutions Code is amended to read:

1767.5. The authority may pay any private home for the care of any person committed to the authority and paroled by the authority to the custody of the private home (including both persons committed to the authority under this chapter and persons committed to it by the juvenile court) at a rate to be approved by the Department of Finance. Payments for such care of paroled persons may be made from funds available to the authority for such purpose, or for the support of the institution or facility under the jurisdiction of the authority from which the person has been paroled.

CHAPTER 334

An act to amend Section 17154 and repeal Section 17156 of the Health and Safety Code, relating to dormitories.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 17154 of the Health and Safety Code is amended to read:

Beds Tiers

17154. In a dormitory there shall be permitted not more than two (2) tiers of beds.

In a dormitory having a double tier of beds, one tier above the other, there shall be at least:

(a) Three feet of clear vertical space between beds, or tiers of beds.

(b) Three feet of horizontal space between beds.

(c) One foot of clear space between the floor of the dormitory and the under side of the first tier of beds, if there is more than one tier.

Repeal

SEC. 2. Section 17156 of said code is hereby repealed.

CHAPTER 335

An act to amend Sections 1261 and 1262 of the Agricultural Code, relating to produce dealers.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 1261 of the Agricultural Code is amended to read:

Definitions

1261. As used in this chapter:

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" means any person engaged in the business of growing or producing any farm product.

(c) "Farm products" shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, livestock and livestock products, bees and apiary products, hay, dried beans, honey and cut flowers, but shall not include timber and timber products, or milk and milk products subject to the licensing and bonding provisions of Chapter 17 of Division 6.

(d) The term "consignor" includes any person who ships or delivers to any commission merchant or dealer any farm products for handling, sale or resale.

(e) The term "commission merchant" means any person who shall receive on consignment or solicit from the producer

thereof any farm product for sale on commission on behalf of such producer, or who shall accept any farm product in trust from the producer thereof for the purpose of resale, or who shall sell or offer for sale on commission any farm product, or who shall in any way handle for the account of or as an agent of the producer thereof any farm product.

(f) The term "dealer" means any person other than a commission merchant or cash buyer who solicits, contracts for or obtains from the producer thereof title, possession or control of any farm product, or who buys or agrees to buy any farm product from the producer thereof.

(g) The term "broker" means any person, other than a commission merchant, or dealer, or cash buyer, who negotiates the purchase or sale of any farm product; provided, however, that no broker may handle either the farm product involved or the proceeds of a sale.

(h) The term "cash buyer" means any person other than a commission merchant, or dealer, or broker who obtains from the producer thereof title, possession or control of any farm products, or who contracts for the title, possession, or control of any farm products, or who buys or agrees to buy any farm products, by paying to the producer at the time of obtaining possession or control, or at the time of contracting for the title, possession, or control of any farm products, the full agreed price of such farm products in coin or currency, lawful money of the United States.

(i) The term "agent" means any person who, on behalf of any commission merchant, or dealer, or broker, or cash buyer, receives, contracts for or solicits any farm products from a producer thereof or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer, broker, or cash buyer.

(j) The term "established place of business" means any permanent warehouse, building, or structure owned in fee or leased, at which the owner or lessee carries on a legitimate permanent business in good faith, and at which stocks of farm products are stored or kept in quantities usually carried and reasonably adequate to meet the requirements of the business. "Established place of business" does not mean tents, temporary stands, or other temporary structures, or permanent structures occupied pursuant to a temporary arrangement.

SEC. 2. Section 1262 of said code is amended to read:

1262. This chapter does not apply to or include:

(a) Any nonprofit cooperative association organized and operating under and by virtue of the provisions of Chapter 4, Division 6 of the Agricultural Code of this State or of similar laws of any other state or the District of Columbia or the United States or the agents of such organizations in the performance of their duties as such except as to that portion of the activities of such organization, or agent, as involves the handling or dealing in the farm products of nonmembers of such organization. Limitations

(b) Any person or exchange buying, receiving, or otherwise handling farm products as a processor, as that term is defined in Chapter 9, Division 6, of this code.

(c) Any person or exchange dealing in livestock and operating at a public livestock market and subject to and operating under a bond required by the United States to secure the performance of their obligations.

(d) Any retail merchant having a fixed or established place of business in this State; provided, however, that this exemption of retail merchants shall not be deemed to apply to retail merchants who also are engaged in the business of selling at wholesale farm products purchased from producers; and provided further, that this exemption shall not apply as to any transaction wherein possession of any farm product is obtained from a producer and said farm product is sold to another person without being handled in the regular course of a retail business conducted at a fixed and established place of business.

(e) Any person licensed as a slaughterer under the provisions of Article 13 of Chapter 2 of Division 3 of this code; provided, however, that the livestock handled by such slaughterer shall be slaughtered at the place of business of the slaughterer; provided further, that any slaughterer who handles livestock upon a consignment basis shall not be exempt from the bonding provisions provided for by this chapter.

(f) Any person buying farm products for his own use or consumption.

(g) Any person, not otherwise required to be licensed under this chapter, buying or otherwise acquiring possession of farm products from a nonprofit cooperative association to which any provision of subdivision (a) of this section is applicable.

CHAPTER 336

An act to add Section 143.15 to the Streets and Highways Code, relating to state highway construction and funds therefor.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 143.15 is added to the Streets and Highways Code, to read:

143.15. Where it is estimated by the department that the work involved in a project to be constructed under the State Contract Act will not be completed within a given fiscal year, the department, in the contract specifications, may provide a limitation upon the amounts that will be paid to the contractor during the first or second fiscal years of the construction period. Subject to such limitations, such contracts shall provide for the completion of the work and full payment therefor.

In preparing the statement of proposed expenditures or obligations to be incurred as provided in Section 143.1, the commission may include only such amounts with reference to such construction projects as would be payable during the fiscal year, together with all necessary engineering and other charges. The commission shall include in the statement for each fiscal year the amounts necessary to meet contract payments on contracts which have been executed pursuant to this section.

CHAPTER 337

An act to amend Sections 1678, 1712, 1720.1 and 1811 of the Insurance Code, relating to insurance licensing fees.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 1, 1957

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

SECTION 1. Section 1678 of the Insurance Code is amended to read:

1678. The commissioner shall require in advance the following fees: 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 filing the application of any person to take 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.

At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

SEC. 2. Section 1712 of the Insurance Code is amended to read:

Same Examination

1712. The commissioner shall charge and collect in advance, as a fee for filing application to take the qualifying examination provided in this article by any applicant, three dollars ($3). At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

SEC. 3. Section 1720.1 of the Insurance Code is amended to read:

Application of article

1720.1. The provisions of Article 2 of this chapter concerning the license period and the procedure and time for filing applications for renewal of licenses and for filing annual notices of intention to keep licenses in force are applicable to licenses authorized by this chapter except that participation in such applications or notices by an admitted insurer is not required. The fee for filing an application for the issuance or renewal of a license to act as a life insurance analyst or an annual notice of intention to keep such a license in force is ten dollars ($10). As respects life insurance analysts all references in Section 1709 to fees shall be deemed to be to the fee herein specified. The fee for filing application to take the qualifying examination for life insurance analyst is twenty-five dollars ($25) and the fee for filing the first application to take the qualifying examination must be paid at the same time the application for issuance of the license is paid.

Fees

SEC. 4. Section 1811 of the Insurance Code is amended to read:

Fees

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license or bail solicitor's license, ten dollars ($10).

(b) For filing an application or request for bail permittee's license, fifty dollars ($50).

(c) For filing an application for examination, five dollars ($5).

(d) 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.

At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

CHAPTER 338

An act to add Section 3065c to the Civil Code, relating to loggers' and lumbermen's liens.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3065c is added to the Civil Code, to read:

3065c. Whenever any faller, bucker, or millhand has a lien pursuant to Section 3065 and has not been paid for his labor by the contractor employing him, and money is owing to such contractor by a mill operator, any such faller, bucker, or millhand, or several of them acting jointly, may file with the Labor Commissioner an affidavit stating the amount of wages unpaid to him or them and describing the labor for which wages are owed and the period in which such labor was performed. If the Labor Commissioner finds the affidavit in order, he shall send to such mill operator a stop notice directing such mill operator to withhold funds in the amount of the unpaid wages from the contractor. The mill operator shall withhold such funds pursuant to the stop notice for 15 days from the date of service of the notice, subject to garnishment within that period by the faller, bucker, or millhand or any assignee thereof.

CHAPTER 339

An act to amend Sections 490, 500, 501, 502, 503, 506 and 509 of the Agricultural Code, relating to milk inspection services and fees.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 490 of the Agricultural Code is amended to read:

Approved milk inspection services

490. For the purposes of this division "approved milk inspection service" means a milk inspection unit and laboratory maintained in connection with a county or city or combination of either or both for the purpose of grading market milk and inspecting dairy farms producing market milk, or milk products plants processing or handling market milk and related products within an area designated and assigned by the director, conformable to the provisions of this division and the rules and regulations established by the director, which inspection service shall be approved in writing by the director.

Additional local regulations

No provision of this division, except subdivision (b) of Section 492, or any rule and regulation of the director is a limitation on the power of a municipality or county to provide for reasonable additional regulations, not in conflict therewith, requiring standards higher than the minimum requirements for the grades of market milk established in this division; but any municipal or county ordinance or regulation requiring higher standards for milk fat and solids not fat than those established in this division shall apply only to market milk after standardization by a milk distributor.

SEC. 2. Section 500 of said code is amended to read:

Designation of "approved inspection services"

500. Whenever a producer or distributor delivers or sells market milk within the jurisdiction of an approved milk inspection service, the director, after an investigation and consultation with the health officer of each county and city involved, shall designate and assign the county or city which shall conduct the milk products plant inspection, or the dairy farm inspection, or both, and shall define the district or area in which each county or city shall conduct milk products plant inspection or dairy farm inspection, or both. The director, in making such designation and assignment, shall in addition to other matters considered by him, take into consideration the geographical convenience of each county and city rendering such inspection, and the percentage of market milk and related products sold or delivered within each. No more than one approved milk inspection service may be designated by the director for any single dairy farm producing market milk, or for any single milk products plant processing or handling market milk and related products. All market milk and related products so inspected by any approved milk inspection service may be sold and delivered within the jurisdiction of any county and city. The county or city designated by the director to render such inspection service shall enforce all applicable local sanitary ordinances pertaining to dairy products, dairy farm or milk products plant sanitation of each county and city into which such market milk and related products are sold or delivered, or in which the dairy farm or milk products plant is located.

SEC. 3. Section 501 of said code is amended to read:

Determination of inspection cost

501. (a) The city or county or group of either or both maintaining an approved milk inspection service where an inspection fee is levied and collected shall determine the actual

cost of making an inspection of a dairy farm producing market milk, or a milk products plant processing or handling market milk and related products, or both such farm and plant, within the area designated and assigned to such service by the director.

Inspection fee

(b) For the purpose of maintaining an approved milk inspection service, the city or county or group of either or both may, but is not required to, levy and collect an inspection fee or fees from distributors of market milk produced at dairy farms, or processed and handled at milk products plants, or both, within the area designated and assigned to such service by the director. The dairy farm inspection fee shall not exceed the actual cost to the city or county of making the dairy farms inspection. No approved milk inspection service and no distributor shall charge any portion of such fees to any producer. The milk products plant inspection fee shall not exceed the actual cost of making the milk products plant inspection. The cost of such inspections, dairy and plant, may include all directly related costs.

(c) Where an approved milk inspection service inspects a dairy farm, said dairy farm inspection fee, if levied, shall be collected from the distributor or distributors of market milk produced on said dairy farm, whether or not the milk products plants of said distributors are located within the area designated and assigned to such service by the director. Where an approved milk inspection service inspects a milk products plant, said milk products plant inspection fee, if levied, shall be collected from the distributor maintaining said milk products plant.

(d) Nothing in this section shall require any city or county to levy and collect an inspection fee for either dairy farm inspection or milk products plant inspection, or both, where such fee or fees are not presently levied or collected.

(e) Whenever market milk produced at a dairy farm is delivered to more than one milk products plant, any inspection fee levied for the cost of said dairy farm inspection service shall be proportioned upon an equitable basis between distributors receiving said market milk at their milk products plants and shall be paid for in such proportions by each such distributor to the approved milk inspection service rendering the inspection service.

(f) Charges made by approved milk inspection services for inspection fees shall be subject to audit by the director or his authorized agents, and for this purpose the director or his authorized agents shall have access to all books, papers, records or documents pertaining to any and all transactions of any such approved milk inspection service and shall have the power to inspect and copy the same in any place within the State.

SEC. 4. Section 502 of said code is amended to read:

Protest Designations

502. (a) Any producer, distributor, or approved milk inspection service maintained by any county or city or combina-

tion thereof may file with the director a written protest pertaining to any designation made in accordance with Section 500 and shall state in such written protest all the reasons therefor. The director may, within 30 days after the receipt of such protest and after at least five days written notice to any approved milk inspection service concerned, hold a hearing on the same. Upon the completion of hearing the director may revoke or amend such designation, or designate another approved milk inspection service to perform the inspection as provided in Section 500.

Same Fee

(b) Any distributor may file with the director a written protest as to the reasonableness of any inspection fee levied and collected from said distributor under the provisions of Section 501 of this code. The director may, within 30 days after the receipt of such protest and after at least five days written notice to the approved milk inspection service or services concerned, hold a hearing on the same Upon the completion of hearing the director may establish a reasonable fee for the inspection which is the subject of the protest, and thereafter until such order of the director is revoked, suspended or amended, such distributor, notwithstanding any other provision of this article, shall not be required to pay to said approved milk inspection service any inspection fee in excess of that designated as reasonable by the director.

SEC. 5. Section 503 of said code is amended to read:

Rules and regulations

503. The director is hereby authorized to adopt and promulgate rules and regulations for the proper enforcement of the provisions of this article. Any such rule or regulation or amendment thereof shall be adopted and promulgated by the director in conformity with Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

SEC. 6. Section 506 of said code is amended to read:

Permit for dairy, etc

506. Every person before engaging in the business of producing, processing, selling or distributing market milk, shall obtain a permit from the director or from the approved milk inspection service maintained by the city or county designated by the director under the provisions of this article for each dairy farm, milk products plant or place of business, whichever is applicable; provided, however, whenever a permit is issued by an approved milk inspection service designated by the director to a producer of market milk or to a milk products plant, no other permit shall be required of such producer or milk products plant by any other approved milk inspection service; provided, that where approved milk inspection services have regularly required the issuance of permits to milk products plants, upon the registration and notice in Section 508, such permits may be issued and may be revoked for cause. Upon receipt of application for permit herein provided, the director or approved milk inspection service shall cause an investigation to be made of the dairy, milk products plant or place of business where milk is produced, sold or distributed and, in the case of a dairy, of the herd producing the milk.

SEC. 7. Section 509 of said code is amended to read:

509. Every person engaged in the production, sale or distribution of market milk, outside the jurisdiction of any approved milk inspection service, shall pay an inspection fee to the director. Inspection fee

An area in which the inspection or grading service is established and conducted by the director and wherein such service is not conducted under an "approved milk inspection service," as defined in Section 490, shall be known as an "established milk inspection area." Distributors who are subject to the provisions of this section shall deduct from payments due producers for market milk and shall pay to the director the fee required to be paid by said producers.

The inspection fee shall be payable during the first week of January, April, July and October of each year. The director shall fix the fee from time to time whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenue derived from lower fees but in no case shall the inspection fee exceed the following:

(a) For producers who sell market milk at wholesale to be sold as graded market milk, three mills ($0.003) for each gallon of graded market milk sold during the quarter-year period preceding the date such inspection fee becomes due and payable;

(b) For distributors who purchase market milk from producers or from other distributors to be sold as graded market milk or who distribute their own graded market milk, three mills ($0.003) for each gallon of graded market milk received or produced during the quarter-year period preceding the date such inspection fee becomes due and payable;

(c) For producers who sell market milk at wholesale, two mills ($0.002) for each gallon of ungraded market milk sold during the quarter-year period preceding the date such inspection fee becomes due and payable;

(d) For distributors who purchase market milk from producers or who distribute their own market milk, two mills ($0.002) for each gallon of ungraded market milk received or produced during the quarter-year period preceding the date such inspection fee becomes due and payable.

CHAPTER 340

An act to repeal Chapter 10 of Division 3 of, and to amend Section 371.5 of, the Vehicle Code, relating to the caravaning and registration of vehicles.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.] In effect September 11, 1957

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

SECTION 1. Chapter 10 of Division 3 of the Vehicle Code is repealed. Repeal

Out-of-state vehicles Registration fees

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 six dollars ($6) for the original registration within this State of every vehicle previously registered outside this State. 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.

Operative date

SEC. 3. This act shall become operative January 1, 1958.

CHAPTER 341

An act to amend Sections 5093 and 5097 of, and to add Section 5098 to, and to repeal Sections 5082.1 and 5082.2 of, the Business and Professions Code, relating to accountants.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

Repeals

SECTION 1. Sections 5082.1 and 5082.2 of the Business and Professions Code are repealed.

SEC. 2. Section 5093 of said code is amended to read:

Certificate Certified public accountant

5093. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsections (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

Provided, the board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall waive the requirements of two years' college study provided for in Section 5091(e)(1) hereof or graduation from a junior college provided for in Section 5091(e)(2) hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 3. Section 5097 of said code is amended to read:

Examinations

5097. All examinations provided for herein shall be held by the board at such places as circumstances and applications may warrant, and as often as may be necessary in the opinion of the board, but not less frequently than semiannually. The board may contract with any organization, governmental or private, for examination material or services. Within 90 days after the examination the board shall notify each candidate of his grade. All examination papers shall be preserved for a period of at least six months after the notification of grading and any candidate shall upon request to the board have access to his papers. The candidate may request access to his papers in the nearest city where a board member resides or maintains an office. The board may prescribe a fee not to exceed ten dollars ($10) for the inspection of examination papers.

Fee

The board shall charge a fee to all applicants for the certificates of certified public accountant as provided in Article 4.

SEC. 4. Section 5098 is added to said code, to read:

Re-examinations

5098. A candidate who fails an examination provided for herein shall have the right to any number of re-examinations at subsequent examinations held by the board. A candidate who passes an examination in two or more subjects or in the subject of accounting practice alone shall have the right to be re-examined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination.

The board may give credit to a candidate who has passed all or part of the examination in another state or territory, if the board determines that the standards under which the examination was held are as high as the standards established for the examination in this chapter.

CHAPTER 342

An act to amend Section 35401.5 of the Streets and Highways Code, relating to parking districts.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 35401.5 of the Streets and Highways Code is amended to read:

35401.5. Except as otherwise provided in this part, any condemnation action brought hereunder shall be governed by those provisions of the Code of Civil Procedure which are applicable thereto; provided, however, that the time within which the proceedings may be abandoned pursuant to Section 1255a of said code is extended to the time within which the sum of money assessed must be paid pursuant to Section 1251 of said code. In any such condemnation action the ordinance declaring that the parking district is formed and describing the acquisitions and improvements to be made shall be conclusive evidence of the public necessity of the proposed acquisitions and improvements, that the property to be taken is necessary therefor and that the proposed acquisitions and improvements are planned and located in the manner which will be most compatible with the greatest public good and the least private injury.

CHAPTER 343

An act to add Section 31569.2 of the Streets and Highways Code, relating to parking districts.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 31569.2 is added to the Streets and Highways Code, to read:

31569.2. Notwithstanding the provisions of Sections 31569 and 31569.1, the county assessment roll used for the purpose of applying the limitations provided in said sections shall be the last equalized county assessment roll at the date the assessment is confirmed, or at the date the proposed assessment is filed with the clerk of the legislative body, or at the date of the filing of the original petition, whichever is the highest.

CHAPTER 344

An act to amend Section 16506 of the Government Code, relating to deposit of state funds.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 16506 of the Government Code is amended to read:

16506. All money belonging to or in the custody of the State under the control of any state officer or employee, other than the Treasurer, except petty cash funds authorized by the Department of Finance, shall be deposited in such state or national banks in this State and under such conditions as the

Director of Finance prescribes. Banks receiving such deposits shall be required to deposit with the Treasurer the same security as is required by this chapter for deposits made by the Treasurer.

CHAPTER 345

An act to amend Section 23428.2 of the Business and Professions Code, relating to alcoholic beverage licenses.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23428.2 of the Business and Professions Code is amended 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 100 bona fide regular members, each of whom is required to pay regular membership dues of not less than five dollars ($5) each year, and which owns, maintains, or operates a clubhouse and has continuously operated a clubhouse for not less than three years.

CHAPTER 346

An act to amend Sections 539a and 682a of the Code of Civil Procedure, relating to attachments and executions.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 539a of the Code of Civil Procedure is amended to read:

Attachment of bank account, etc

539a. If the debt, credit, or other personal property sought to be attached is (a) any bank account, or interest therein, not standing in the name of the defendant or defendants or standing in the name of the defendant or defendants and one or more other persons who are not defendants, or (b) any savings and loan association share, investment certificate, or account, or interest therein, not standing in the name of the defendant or defendants or standing in the name of the defendant or defendants and in one or more other persons who are not defendants, or (c) property in a safe deposit vault or box maintained by a bank, trust company, savings and loan association, or other corporation authorized and empowered to conduct a safe deposit business and rented by it to a person or persons other than a defendant or defendants or rented by it to one or more such defendants and to one or

more other persons who are not defendants, the provisions of this section and of Section 539 shall be complied with; otherwise, the levy shall not be effectual for any purpose and shall be disregarded. The plaintiff shall provide and concurrently with the levy of the writ of attachment the sheriff, constable, or marshal shall deliver to such bank, trust company, savings and loan association, or safe deposit corporation a bond in an amount not less than twice the amount of the plaintiff's claim indemnifying the person or persons, other than the defendant or defendants whose interest is sought to be attached, rightfully entitled to such debt, credit, or other personal property (which person or persons need not be named specifically in said bond but may be referred to generally in the same manner as in this sentence), against actual damage by reason of the taking or holding of such debt, credit, or other personal property and assuring to such person or persons the return thereof to him or them upon proof of his or their right thereto. Upon delivery to it of the aforesaid bond such bank, trust company, savings and loan association, or safe deposit corporation shall comply with the writ of attachment and shall not be liable to any person by reason of such compliance or by reason of the nonpayment of any check or other order for the payment of money drawn against the account or other credit so attached and presented while the attachment is in force or by reason of refusal to pay any withdrawal in respect of the share, investment certificate or account so attached while the attachment is in force or by reason of the removal, pursuant to the levy, of any of the contents of such safe deposit vault or box or by reason of the refusal of such bank, trust company, savings and loan association, or safe deposit corporation to permit access to such safe deposit vault or box by the renter thereof. The bond described above shall be executed by the plaintiff or plaintiffs with two or more sufficient sureties. Exceptions to the sufficiency of the sureties may be taken by any person claiming to be the rightful owner of the debt, credit, or other personal property levied upon, in the same manner as that provided in Section 539 of this code and when excepted to the sureties must justify in the same manner as that provided in said Section 539. The bank, trust company, savings and loan association, or safe deposit corporation to whom any such bond is delivered shall deliver it as directed by the obligees thereof. Before giving access to any safe deposit vault or box the bank, trust company, savings and loan association, or safe deposit corporation may demand payment to it of all costs and expenses of opening the safe deposit vault or box and all costs and expenses of repairing any damage to the safe deposit vault or box caused by the opening thereof.

Bond

SEC. 2. Section 682a of said code is amended to read:

682a. If the debt, credit, or other personal property sought to be levied upon is (a) any bank account, or interest therein, not standing in the name of the judgment debtor or judgment debtors or standing in the name of such judgment debtor or

Levy

judgment debtors and one or more other persons who are not judgment debtors, or (b) any savings and loan association share, investment certificate, or account, or interest therein, not standing in the name of the judgment debtor or judgment debtors or standing in the name of such judgment debtor or judgment debtors and in one or more other persons who are not judgment debtors, or (c) property in a safe deposit vault or box maintained by a bank, trust company, savings and loan association, or other corporation authorized and empowered to conduct a safe deposit business and rented by it to a person or persons other than such judgment debtor or judgment debtors or rented by it to one or more such judgment debtors and to one or more other persons who are not judgment debtors, the following provisions of this section also shall be complied with; otherwise the levy shall not be effectual for any purpose and shall be disregarded. The plaintiff shall Bond provide and concurrently with the levy the sheriff, constable, or marshal shall deliver to such bank, trust company, savings and loan association, or safe deposit corporation a bond in an amount not less than twice the amount of the judgment indemnifying the person or persons, other than the judgment debtor or judgment debtors whose interest is sought to be levied upon, rightfully entitled to such debt, credit, or other personal property (which person or persons need not be named specifically in said bond but may be referred to generally in the same manner as in this sentence), against actual damage by reason of the taking of such debt, credit, or other personal property and assuring to such person or persons the return thereof to him or them upon proof of his or their right thereto. Upon delivery to it of the aforesaid bond such bank, trust company, savings and loan association, or safe deposit corporation shall immediately notify the person in whose name such account stands, other than the judgment debtor, or the person to whom such safe deposit box is rented, other than the judgment debtor, by registered mail addressed to the last address of such person known to such bank, trust company, savings and loan association or safe deposit corporation of the fact of the service of said writ and of the delivery to it of said bond. From the time of said levy and the delivery to it of said bond such bank, trust company, savings and loan association or safe deposit corporation shall not honor a check or other order for the payment of money drawn against the account or other credit so levied upon, such savings and loan association shall not permit withdrawals in respect of the share, investment certificate, or account so levied upon, and such bank, trust company, savings and loan association or safe deposit corporation shall not permit the removal of any of the contents of the safe deposit vault or box levied upon for a period of fifteen (15) days from the mailing of said notice or until the levy is sooner released. After fifteen (15) days from the making of said levy and the delivery of said bond, if no proceedings excepting to the sufficiency of the

sureties have been commenced, or if such proceedings have been commenced, when the sureties have justified, said bank, trust company, savings and loan association or safe deposit corporation shall comply with the levy, unless it has been sooner released, and shall not be liable to any person by reason of such compliance or by reason of the nonpayment of any check or other order for the payment of money drawn against the account or other credit so levied upon and presented while the levy is in force or by reason, while the levy is in force, of refusal to pay any withdrawal in respect of the share, investment certificate or account so levied upon, or by reason of the removal, pursuant to the levy, of any of the contents of such safe deposit vault or box or by reason of the refusal of such bank, trust company, savings and loan association, or safe deposit corporation to permit access to such safe deposit vault or box by the renter thereof. The bond described above shall be executed by the judgment creditor or judgment creditors with two or more sufficient sureties. Exceptions to the sufficiency of the sureties may be taken by any person claiming to be the rightful owner of the debt, credit, or other personal property levied upon, in the same manner as that provided in Section 539 of this code with respect to sureties executing undertakings on attachment and when excepted to the sureties must justify in the same manner as that provided in Section 539. The bank, trust company, savings and loan association, or safe deposit corporation to whom any such bond is delivered shall deliver it as directed by the obligees thereof. Before giving access to any safe deposit vault or box the bank, trust company, savings and loan association, or safe deposit corporation may demand payment to it of all costs and expenses of opening the safe deposit vault or box and all costs and expenses of repairing any damage to the safe deposit vault or box caused by the opening thereof.

CHAPTER 347

An act to add Sections 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, and 2.15 to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 2.8 is added to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), to read:

Sec. 2.8. The Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to the district. In addition to all other powers granted under this act, the district may, whenever the public

interest or convenience may require, in the discretion of the board of supervisors, use those acts or any of them to acquire, construct, or complete any improvements or work authorized by this act and to levy assessments and reassessments and issue bonds to pay for the costs and expenses of such improvements or work.

SEC. 2. Section 2.9 is added to said act, to read:

Sec. 2.9. In the application of the acts referred to in Section 2.8, the terms used in those acts shall have the following meanings.

(a) "City" means the Orange County Flood Control District.

(b) "City council" or "legislative body" means the Board of Supervisors of the Orange County Flood Control District.

(c) "Mayor" means the Chairman of the Board of Supervisors of the Orange County Flood Control District.

(d) "Clerk" means the Clerk of the Board of Supervisors of the Orange County Flood Control District.

(e) "Council chambers" means the place designated by the Board of Supervisors of the County of Orange for holding its regular meetings.

(f) "Treasurer" means the Treasurer of the County of Orange.

(g) "Auditor" means the Auditor of the County of Orange.

(h) "Tax collector" means the Tax Collector of the County of Orange.

(i) "Superintendent of streets" or "street superintendent" and "city engineer" means the Engineer of the Orange County Flood Control District, or any other person appointed to perform such duties.

(j) All words relating to municipal officers and matters refer to the corresponding officers of the Orange County Flood Control District.

SEC. 3. Section 2.10 is added to said act, to read:

Sec. 2.10. The board of supervisors may appoint any competent officer of the County of Orange, other than the engineer, to serve without additional compensation as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any act referred to in Section 2.8.

SEC. 4. Section 2.11 is added to said act, to read:

Sec 2.11. The board of supervisors may appoint an engineer of work, other than the engineer or in place of the engineer, in which event the duties to be performed by the city engineer as set forth in any act referred to in Section 2.8 shall be performed by the engineer of work whose compensation and expenses shall be fixed by the board of supervisors, and which shall constitute an incidental expense in the cost of the work.

SEC. 5. Section 2.12 is added to said act, to read:

Sec 2.12. The board of supervisors may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the material used shall comply with his specifications and be to his satisfaction, and that he

shall submit an assessment to the board of supervisors for confirmation.

SEC. 6. Section 2.13 is added to said act, to read:

Sec. 2.13. The contract shall be entered into by the engineer and the assessment and warrant, when confirmed, shall be recorded in the office of the engineer.

SEC. 7. Section 2.14 is added to said act, to read:

Sec 2.14. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of the acts referred to in Section 2.8 shall be recorded in the office of the county surveyor if the improvement district, or any part thereof, is in incorporated territory.

SEC. 8. Section 2.15 is added to said act, to read:

Sec. 2.15. No construction of any work or improvement shall be made or assessments levied or bonds issued therefor under Sections 2.8 to 2.14 inclusive, of this act, without prior proceedings having been taken pursuant to the Special Assessment Investigation Limitation and Majority Protest Act of 1931, unless such proceedings have been waived as provided in the act.

CHAPTER 348

An act to amend Sections 73682, 73683, 73684, 73688, and 73690 of the Government Code, relating to officers and attaches of the municipal court established in the Fresno Judicial District.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 73682 of the Government Code is amended to read:

Salaries Clerk

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the secretary of the court. He shall receive a minimum salary of four hundred twenty-six dollars ($426) a month, and upon the recommendation of the judges, increments of twenty-four dollars ($24) after six months of service, twenty-six dollars ($26) after one and one-half years, twenty-seven dollars ($27) after two and one-half years, and twenty-nine dollars ($29) to a maximum salary of five hundred thirty-two dollars ($532) after four and one-half years of service.

SEC. 2. Section 73683 of said code is amended to read:

Deputy clerks

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of three hundred sixty dollars ($360) a month, and upon the recommendation of the clerk, increments of twenty-one dollars ($21) after six months service, twenty-two dollars ($22) after one and one-half years, twenty-three dollars ($23) after two and one-half years, and twenty-four dollars ($24) to a maxi-

mum salary of four hundred and fifty dollars ($450) after four and one-half years of service.

(b) One legal process clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty-one dollars ($21) after one and one-half years, twenty-two dollars ($22) after two and one-half years, and twenty-three dollars ($23) to a maximum salary of four hundred twenty-six dollars ($426) after four and one-half years of service.

(c) Four clerks IV, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, nineteen dollars ($19) after one and one-half years, twenty-one dollars ($21) after two and one-half years, and twenty-two dollars ($22) to a maximum salary of four hundred three dollars ($403) after four and one-half years of service.

(d) One senior account clerk who shall receive a minimum salary of three hundred five dollars ($305) a month, upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, nineteen dollars ($19) after one and one-half years, nineteen dollars ($19) after two and one-half years, and twenty-one dollars ($21) to a maximum salary of three hundred eighty-one dollars ($381) after four and one-half years.

(e) One senior clerk who shall receive a minimum salary of two hundred eighty-eight dollars ($288) a month, upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, seventeen dollars ($17) after one and one-half years, nineteen dollars ($19) after two and one-half years, and nineteen dollars ($19) to a maximum salary of three hundred sixty dollars ($360) after four and one-half years of service.

(f) Two clerks III, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) a month, upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, seventeen dollars ($17) after one and one-half years, seventeen dollars ($17) after two and one-half years, and nineteen dollars ($19) to a maximum salary of three hundred forty-one dollars ($341) after four and one-half years of service.

SEC. 3. Section 73684 of said code is amended to read:

73684. The clerk may also appoint: Same

(a) Two intermediate stenographer clerks, each of whom shall receive a minimum salary of two hundred fifty-eight dollars ($258) a month, and upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, fifteen dollars ($15) after one and one-half years, seventeen dollars ($17) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred

twenty-two dollars ($322) after four and one-half years of service.

(b) Fourteen clerks II, each of whom shall receive a minimum salary of two hundred forty-four dollars ($244) a month, and upon the recommendation of the clerk, increments of fourteen dollars ($14) after six months of service, fifteen dollars ($15) after one and one-half years, fifteen dollars ($15) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred five dollars ($305) after four and one-half years of service.

(c) Four clerks I, each of whom shall receive a minimum salary of two hundred eighteen dollars ($218) a month, and upon the recommendation of the clerk, increments of thirteen dollars ($13) after six months of service, thirteen dollars ($13) after one and one-half years, fourteen dollars ($14) after two and one-half years, and fifteen dollars ($15) to a maximum salary of two hundred seventy-three dollars ($273) after four and one-half years of service.

SEC. 4. Section 73688 of said code is amended to read:

Vacation

73688. All officers and attaches of the court are entitled to a vacation at any time after one year of continuous service at the rate of one and one-quarter days of vacation for each calendar month or major fraction thereof of actual service cumulative to thirty (30) days. All vacations shall be taken within twenty-four (24) months of the time the same shall have accumulated or right thereto be lost, and vacation taken shall be credited against that which has been accrued the longest. All vacations shall be taken at such time or times during the calendar year as may be approved by the court as to the clerk, and by the clerk as to all other officers and attaches. It shall be the policy that such officers and attaches be required to take their normal vacation each year; provided, however, that with the consent of the court as to the clerk and by the clerk as to all other officers and attaches, a less than normal vacation may be taken one year with a correspondingly longer vacation the following year.

SEC. 5. Section 73690 of said code is amended to read:

Fresno County salary ordinance applicable

73690. All matters affecting the employment of such officers and attaches and not specifically determined by this article or other provision of state law shall be governed and regulated by the then current salary ordinance of the County of Fresno.

CHAPTER 349

An act to add Article 3, commencing at Section 4300, to Chapter 2 of Title 4 of Part 3 of the Penal Code, relating to advisory committees for adult detention facilities.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Article 3 is added to Chapter 2 of Title 4 of Part 3 of the Penal Code, to read:

Article 3. Advisory Committees for Adult Detention Facilities

Advisory committees on adult detention

4300. The board of supervisors may establish in each county a county advisory committee on adult detention.

Membership

4301. There shall be six members of the committee. Two shall be appointed by the board of supervisors; two by the sheriff, and two by the presiding or senior judge of the superior court. Of the two members appointed by the judge of the superior court, one shall be a member of the State Bar.

Term of office

4302. The members of the committee shall hold office for four years, and until their successors are appointed and qualify. Of those first appointed by the sheriff, superior court judge, and the board of supervisors, one shall hold office for two years, and one for four years; and the respective terms of the members first appointed shall be determined by lot as soon as possible after their appointment. When a vacancy occurs in the committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for a term of four years. When a vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor.

Expenses

4303. Members of the committee shall serve without compensation, but shall be allowed their reasonable expenses as approved by the presiding or senior judge of the superior court. Such expenses shall be a charge upon the county in which the court has jurisdiction, and shall be paid out of the county treasury upon a written order of the judge of the superior court directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses. All orders by the superior court judge upon the county treasurer shall be filed in duplicate with the county board of supervisors and sheriff.

Report

4304. The committee shall file a report within 90 days after the thirty-first day of December of the calendar year for which such report is made, copies of which shall be filed with the county board of supervisors, the presiding or senior judge, the sheriff, the Board of Corrections, and the Attorney General.

Inspections

4305. The committee shall annually inspect the city and county adult detention facilities. Such inspection shall be concerned with the conditions of inmate employment, detention, care, custody, training, and treatment on the basis of, but not limited to, the minimum standards established by the Board of Corrections. A report of such visitations together with pertinent recommendations shall be annually filed in accordance with the provisions of Section 4304 of this code.

CHAPTER 350

An act to amend Section 2016 of the Welfare and Institutions Code, relating to aid to the aged.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 2016 of the Welfare and Institutions Code is amended to read:

2016. Within 10 days after making a request, and within 10 days after any change in his grant, every applicant or recipient shall be given an itemized report setting forth the amount of deductions if any, and aid granted to him, and the budget allowances made in determining the amount of aid granted to him. The pricing established for food, clothing, incidentals, and personal needs, household operations and transportation, shall be compatible with decency and health.

CHAPTER 351

An act to amend Section 6550 of the Business and Professions Code, relating to the practice of barbering.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 6550 of the Business and Professions Code is amended to read:

6550. No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision and employment of a registered barber.

Each shop may employ apprentices in the ratio of one apprentice to each registered barber working in the shop, but not to exceed two apprentices in each shop.

CHAPTER 352

An act to amend Sections 26200, 26200.5, 26331 and 26342 of, and to add Section 26291 to, the Health and Safety Code, relating to pure drugs and public health.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 26200 of the Health and Safety Code is amended to read:

26200. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3). "Drug"

SEC. 2. Section 26200.5 of the Health and Safety Code is amended to read:

26200.5. Any concentrated substance represented for use by man because of its vitamin or mineral content when medicinal claims are made on the label, shall, on its label and in its printed or written advertising, bear the common or usual name of each vitamin or mineral on which such use is based. If such use is based on the content of any such vitamin or mineral, the label and printed or written advertising shall bear or contain a statement of the proportion of such vitamin or mineral expressed as international units, United States Pharmacopoeia, or other accepted standard units. Vitamins

SEC. 3. Section 26294 is added to the Health and Safety Code, to read:

26294. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment in which a drug or device is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such drug or device. Unlawful to obstruct agent of board

SEC. 4. Section 26331 of the Health and Safety Code is amended to read:

26331. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the adulteration or misbranding of drugs and devices and after the hearing provided in Section 26340, the department shall report such facts to the district attorney of the county or the prosecuting officer of the city where the law is violated. Report of violations

SEC. 5. Section 26342 of the Health and Safety Code is amended to read:

26342. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, director shall forthwith transmit a certificate of the facts so found to the district attorney of the county or the prosecuting officer of the city in which the adulterated or misbranded drugs or devices were found. No publication of the facts found shall be made until the conclusion of the hearing. Report to district attorney

CHAPTER 353

An act to amend Sections 28013, 28313, 28334, 28411 and 28704 of the Health and Safety Code and Section 1142.1 of the Agriculture Code, relating to licenses for food processing and storage establishments and facilities and public health.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 28013 of the Health and Safety Code is amended to read:

License Slaughtering horses, etc

28013. Every person, firm or corporation before engaging in the slaughtering of horses, mules, and/or the wholesale distribution, jobbing and/or the importing into the State of horse meat for resale shall procure a license from the State Department of Public Health. Such license shall be good for the calendar year for which it is issued, unless sooner revoked or suspended, and is nontransferable. Each application for such license shall be accompanied by a fee of fifty dollars ($50). Should any licensee fail, refuse, or neglect to apply for renewal of a license within 30 days after the expiration thereof, a penalty of ten dollars ($10) shall accrue and be added to the renewal fee and shall be paid by the applicant before the renewal license may be issued. All fees collected under the provisions of this section shall be paid into the General Fund in the State Treasury.

Fee

Penalty

Refusal, etc

The department may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, after a hearing as herein provided, if it finds that the applicant or licensee has violated any of the provisions of this chapter, or of any of the rules and regulations issued hereunder, or of any of the laws or regulations of the United States pertaining to horse meat, or has failed or refused to comply with any lawful order of the department issued under the provisions of this chapter.

Proceedings

The proceedings for hearings under the provisions of this section shall be 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. The State Board of Public Health is hereby empowered to promulgate rules and regulations for the proper enforcement of this chapter.

Records

Any person, firm or corporation holding a license issued under the provision of this chapter shall keep complete and full records of all horses and/or horse meat received, covering the live and/or dressed weight of same, from whom received and the date of receipt. Also in the case of those slaughtering horses and/or wholesalers of horse meat, a full and complete record of the sales made shall be kept showing the name and address, of each and every customer and the amount and the

date sold to each. Retailers shall keep a full and complete record of all horse meat received including the amount, date and name of the person, firm or corporation from whom received. When requested by the State Department of Public Health or an agent thereof, any dealer shall submit a report setting forth in itemized particulars information relating to the receipts and sales of horses and/or horse meat covering a period of time not to exceed the preceding four months. Dealer's report

SEC. 2. Section 28313 of the Health and Safety Code is amended to read:

28313. The board shall issue a license to an applicant therefor upon the receipt of such evidence as the board may require showing that the applicant is properly equipped for the cleansing and sterilization of bottles as herein provided, or at its option upon the recommendation of a city, county or city and county health officer. This license is nontransferable. License Cleaning, etc., of bottles

The license provisions of this article shall not apply to food, drug or liquor manufacturers or packers who buy bottles for their own use and purposes, but do apply to any other person, firm or corporation engaged in the business of cleaning, sterilizing and reselling bottles to such manufacturers or packers except as hereinabove provided. Exemption

SEC. 3. Section 28334 of the Health and Safety Code is amended to read:

28334. A license issued by the board shall not be for a period of more than one year, and shall expire at the end of the period for which it is issued. This license is nontransferable. Term

SEC. 4. Section 28411 of the Health and Safety Code is amended to read:

28411. The state board shall issue an annual license, which is nontransferable, to any person on the receipt of fifty dollars ($50) per plant, and such evidence as the board may require to show that (1) the applicant is properly equipped with a retort or pressure cooker which has recording thermometers, indicating thermometers, and pressure gauges to carry out such rules and regulations as the state department may adopt for the sterilization of food products for the canning of which a license is sought and (2) the applicant is in compliance with the sanitary regulations of the state board. The applicant shall be deemed to be in compliance with such sanitary regulations unless the applicant has been given written notice by the state board not less than sixty (60) days prior to the expiration of the existing license that the cannery does not comply with such sanitary regulations, and the applicant has subsequently failed to bring the cannery into compliance therewith. Fee for canning license; Presumption of compliance

SEC. 5. Section 28704 of the Health and Safety Code is amended to read:

28704. The license issued hereunder shall be in such form as the department shall prescribe and shall be under the seal Frozen food locker plant license contents

of the department and shall set forth the name of the licensee, the location for which the license is issued, the period of the license and such other information as the department may determine. Licenses shall be for a term of one calendar year and shall be renewed annually. The license is nontransferable. The original license or a certified copy thereof shall be conspicuously displayed by the licensee in the locker plant for which the license is issued.

SEC. 6. Section 1142.1 of the Agricultural Code is amended to read:

Fee License re egg products

1142.1. The State Department of Public Health shall issue to any person an annual license on the receipt of one hundred dollars ($100) for each such license and such evidence as the department may require to show that the applicant is properly equipped to operate such an establishment at each location where the applicant conducts operations required to be licensed under Section 1142. This license is nontransferable.

Annual license fees payable under this section shall become due and payable by each person approved by the Department of Public Health on or before January 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury.

CHAPTER 354

An act to add Section 11512.31 to the Insurance Code, relating to hospital service plans and individual certificates issued thereunder.

In effect September 11, 1957

[Approved by Governor May 8, 1957 Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 11512.31 is added to the Insurance Code, to read:

11512.31. 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 355

An act to add Section 653k to the Penal Code, relating to switch-blade knives with blades longer than two inches.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.] In effect September 11, 1957

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

SECTION 1. Section 653k is added to the Penal Code, to read:

653k. Every person who carries concealed upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor.

For the purposes of this section a "switch-blade knife" is a knife having the appearance of a pocket knife, and shall include a spring-blade knife, snap-blade knife, or any other similar type knife; the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, or other mechanical device, or is released by any type of mechanism whatsoever.

CHAPTER 356

An act to add Section 20987 to the Government Code, relating to the State Employees' Retirement System and the compulsory age for retirement thereunder, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.] In effect immediately

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

SECTION 1. Section 20987 is added to the Government Code, to read:

20987. During the effective period of this section, the compulsory retirement provisions of this article relating to state miscellaneous members shall be inoperative. 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. Compulsory retirement provisions inoperative

This section shall remain in effect until the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature, unless legislation is enacted at the 1957 Regular Session which authorizes the inclusion of members of the State Employees' Retirement System in the federal old age and survivors insurance program, and in such event this sec- Termination date

tion shall remain in effect until the necessary steps are taken to secure such federal coverage for such members and thereafter for the minimum period within which any person who is a member on the effective date of the inclusion of such state employees in the federal system could become eligible for benefits thereunder. After such period, or upon the unsuccessful completion of proceedings to effect such federal coverage in accordance with statutory authorization, this section shall have no further force or effect and all employees retained in service by reason of the provisions of this section shall be retired.

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:

In order that the benefits of the federal system of old age and survivors insurance, if such benefits are made available to state employees generally, will not be denied to those employees who are in need thereof by reason of the arbitrary age fixed for compulsory retirement under the state system, it is necessary that this act take effect immediately.

CHAPTER 357

An act to provide for uniformity in statutory provisions requiring publication of notice by state and local agencies by amending Sections 160.5, 1300.16, 2120, 2123, 2258, 2260, 2310, 2649, 2791, 3149, 3176, 3179, 3296, and 4273 of the Agricultural Code, and Section 25361 of the Business and Professions Code, and Sections 1827, 1903, 2506, 3415, 6358, 7402, 7908, 21625, and 21652 of the Education Code, and Sections 668, 1003, 2352, 2540.9, 2575, 9750, and 9754 of the Elections Code, and Sections 126, 194, 15833, 16751, 25210.16, 25350, 25528, 25529, 26028, 35119, 35452, 38504, 43649, 50022.3, 50485.5, 61105, 61122, 61405, 61651, 61660, 61672, 61684, 61747, 61808, 61858, 61903, 65502, 65509, 65514, 65651, 65654, 65895, and 68900 of the Government Code, and Sections 2050, 6093.1, and 6272 of the Harbors and Navigation Code, and Sections 4121, 4165.1, 4724, 4726, 4807, 4808, 5473.1, 5474.1, 6026, 6056, 6844, 6915, 8968, 14230, 14714, 14754, 14759.5, 14778, 14786, 20343, 24350.5, 24362, 24362.2, 24365.9, 24372, 32004.3, 32133, 32412, 33747, and 34518 of the Health and Safety Code, and Sections 996.31, 1191, and 1654 of the Military and Veterans Code, and Section 1153 of the Probate Code, and Sections 4949, 5353, 5365, 5417.3, 5417.13, 5422, 5660.3, 5660.13, 6834, 7904, 9111, 9131, 9171, 9319, 9340, 9406, and 9861 of the Public Resources Code, and Sections 12751, 14401, 15735, 15762, 16041, 16075, 16532, 16844, 17102, 17309, 17371, 17503, 18001, 22153, 22227, 22731, 22784, 22813, 24533, 24534, 26243, 26342, 26422, and 26683 of the Public Utilities Code,

and Sections 3356 and 32372 of the Revenue and Taxation Code, and Sections 5232, 5506, 8276, 8292, 10304, 10313, 10407, 10501, 19168, 19303, 27173.5, 31558, 32952, 35259, 35270, 35402.1, and 35706 of the Streets and Highways Code, and Section 307 of the Unemployment Insurance Code, and Sections 352, 27192, 27257, 27265, 32953, 36406, 55133, 55156, 55184, 55303, 55351, 55585, 55631, 55656, 55663, 55672, 55821, 55845, 55880.5, 55911, 55961, 56015, 56018, 56053, 56058, 56075, 56082, 60098, 60100, 60111, 60275, 60306, 60342, 60373, 60383, 60408, 60410, 60414, and 60435 of the Water Code, and Section 9 of an act entitled "An act to promote drainage," approved March 18, 1885 (Chapter 158 of the Statutes of 1885), and Section 27 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), and Sections 8 and 17 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909), and Sections 2.5, 12, 15, 16, and 16.1 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911), and Section 6 of the Los Angeles County Flood Control Act (Chapter 775 of the Statutes of 1915), and Section 4 3 of the Drainage District Improvement Act of 1919 (Chapter 354 of the Statutes of 1919), and Sections 6 and 35.5 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), and Sections 36 and 36 2 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), and Sections 13, 14, 16, 26, 27, 35, 36, 38, and 44 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), and Section 1 of the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), and Section 10 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), and Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944), and Sections 13, 15, and 17 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), and Section 14 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), and Sections 13.6, 13.9, 16, and 22 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), and Sections 15 and 57 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), and Sections 11 and 13 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), and Section 14 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951), and Sections 12, 14, 25, and 36 of the Lake County Flood Control and Water Conservation District Act (Chapter 1511 of the Statutes of 1951), and Sections 11 and 13 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), and Sections 8.3, 11.1, 11.5, 11.6, 11.10, and 16 of the Sacramento County Water Agency

Act (Chapter 10 of the Statutes of 1952, (1st Ex. Sess.)), and Sections 7, 8, 10, 11, 17, and 20 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952 (1st Ex Sess.)), and Sections 2 and 3 of Chapter 15 of the Statutes of 1952, Second Extraordinary Session, and Sections 11, 13, 22, and 31 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), and Sections 18, 20, 29, 36, and 40 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), and Section 2 of Chapter 1569 of the Statutes of 1953, and Sections 15, 27, 36, and 38 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), and Sections 10, 14, 18, and 19 of the Morrison Creek Flood Control District Act (Chapter 1771 of the Statutes of 1953), and Sections 13, 15, 24, and 33 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955, and Sections 3, 13, and 16 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), and Sections 62 and 83 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955), and Sections 11, 13, 23, and 33 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), and Sections 12 and 71 of the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289 of the Statutes of 1955), and Sections 116, 233, 309, 443, 456, and 513 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955), by adding Section 6061.3 to the Government Code, and by repealing Sections 9113, 9132, and 9133 of the Public Resources Code, relating to publication of notice.

In effect September 11, 1957

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

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

SECTION 1. Section 160.5 of the Agricultural Code is amended to read:

Pest control Rules and regulations

160.5 The director shall make rules and regulations governing the conduct of the business of pest control. The commissioner of any county may adopt additional rules and regulations governing the application of methods of pest control under local conditions. Prior to the adoption, amendment, or repeal of such rules or regulations, a notice of intention to adopt regulations shall be published in the county pursuant to Section 6061 of the Government Code at least 10 days in advance of the time the regulations are to be adopted, amended, or repealed. The notice shall contain a statement of the time, place, and nature of proceedings for the adoption, amendment, or repeal of such regulations, and either the express terms or an informative summary of the proposed regulations. At least

Notice

10 days prior to the date set for the adoption, amendment, or repeal, the commissioner shall mail a copy of the notice to every person who has registered with the commissioner in the manner required by Section 160.3 of this code, and to any other interested person who may file with the commissioner a request to receive a notice or notices of like proceedings. On the date and at the time and place designated in the notice, the commissioner shall afford any interested person or his duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present the same orally. The commissioner shall consider all relevant matter presented to him before adopting, amending, or repealing any regulation. In any hearing conducted under this section, the commissioner or his duly authorized representative shall have authority to administer oaths or affirmations, and may continue or postpone such hearing from time to time to such time and at such place as he shall determine. Such rules and regulations of the commissioner shall be subject to review and approval by the director as to reasonableness, and when approved shall be filed with the director and become effective 30 days after such approval unless designated as emergency regulations. If, in the opinion of the commissioner, the public health, welfare, or safety requires that such rule or regulation take effect immediately he shall designate it as an emergency rule or regulation and specify in writing the facts constituting such necessity. Such emergency rules or regulations shall become effective on the date of approval by the director.

Arguments, etc

Hearings

Emergency rules

SEC. 3. Section 1300.16 of said code is amended to read:

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

Handler's assent

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.

Hearings

(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.

Procedure

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.

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 or termination of 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.

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 advi-

sory 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

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:

Scope

(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

(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 pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe. 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.

Effective date of order, suspension, etc.

Rules and regulations: General

(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

(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.

(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. Seasonal marketing regulations

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. Changes

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. Construction

SEC. 4. Section 2120 of said code is amended to read:

2120. The notice to handlers requiring them to file the lists shall be published by the director pursuant to Section 6062 of the Government Code in the capital of the State and in such other localities as the director may require, and shall be mailed to all handlers of the commodity directly affected, of record with the department. The lists of producers shall be filed by handlers within 10 days from the last date of publication of the notice. Notice to handlers

SEC. 5. Section 2123 of said code is amended to read:

2123. Notice of the public hearing shall be mailed to a list of producers within the proposed zone at least 10 days prior thereto. The list of producers shall be established in accordance with the provisions of Sections 2119, 2120, 2121, and 2122. Also, a notice of such public hearing shall be given at least 10 days prior thereto by publication pursuant to Section 6061 of the Government Code in the area proposed as the zone. In case the proposed proration zone includes areas that are non- Notice of hearing

Hearing

contiguous the director shall hold a hearing in each. At the public hearing the director shall receive evidence and testimony offered by the petitioners in support of the proposed proration zone and the proposed marketing program and testimony and evidence from any interested person in support of or in opposition thereto. All testimony at the hearings shall be under oath.

SEC. 6. Section 2258 of said code is amended to read:

Closing date for filing assents

2258. In the event the closing date is not established at the time assent forms are mailed to producers, and the director subsequently finds that because of the oncoming harvesting season or because of any other relevant reason it is desirable

Notice

to fix a closing date for filing assents, he may do so by publishing a notice pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe not less than 10 days prior to the closing date, and the closing date shall also be announced by a press release for general dissemination issued by the director at least 10 days prior to the date.

SEC. 7. Section 2260 of said code is amended to read:

Notice of effective date

2260. Whenever the director makes a marketing program effective he shall publish a notice of the effective date pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe, not less than five days prior to the effective date.

SEC. 8. Section 2310 of said code is amended to read:

Marketing program amendment Publication of effective date

2310. Whenever the director makes any amendment to a marketing program effective he shall publish a notice of the effective date pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe, not less than five days prior to the effective date.

SEC. 9. Section 2649 of said code is amended to read:

Rules and regulations

2649. The director may adopt and enforce all rules and regulations necessary or desirable to carry out the provisions of this chapter and not inconsistent with law. Every general rule or regulation of the director shall be posted for public inspection in the main office of the director and in the office of the Secretary of State at least three days before it becomes effective, and shall be given such further publicity, by advertisement pursuant to Section 6061 of the Government Code

Notice

in the territory affected by the issuance of the rule or regulation, or otherwise as the director deems advisable.

SEC. 10. Section 2791 of said code is amended to read:

Notice of marketing order, etc

2791. Upon the issuance of any order or amendment of an order, a notice shall be posted on a public bulletin board to be maintained by the director in his office and a copy shall be published pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe.

SEC. 11. Section 3149 of said code is amended to read:

3149. The director may adopt and enforce all rules and regulations necessary or desirable to carry out the provisions of this chapter and not inconsistent with law. Every general rule or regulation of the director shall be posted for public inspection in the main office of the director and in the Office of the Secretary of State at least three days before it becomes effective, and shall be given such further publicity, by advertisement pursuant to Section 6061 of the Government Code in the territory affected by the issuance of the rule or regulation, or otherwise as the director deems advisable.

Rules and regulations

Notice

SEC. 12. Section 3176 of said code is amended to read:

3176. Notice shall be given by the director by publishing a notice of the hearing pursuant to Section 6062 of the Government Code in the capital of the State and in such other localities as the director may prescribe. The hearing shall not be held prior to five days after the last day of the period of publication.

Publication

SEC. 13. Section 3179 of said code is amended to read:

3179. The notice to handlers requiring them to file the report shall be published by the director pursuant to Section 6062 of the Government Code in the capital of the State and in such other localities as the director may prescribe. The director shall also mail a copy of the notice to file the report to all handlers known to be directly affected or likely to be directly affected thereby whose names and addresses appear upon lists submitted to the department or prepared by the department for that purpose from currently available information. Each handler of the agricultural commodity, directly affected by the provisions of the proposed agreement or order shall file the report with the director within the time specified Failure or refusal of any handler to file the report shall not invalidate any proceedings taken or order issued. The director shall proceed upon the basis of such information and reports as may otherwise be available.

Notice to handlers
Publication

Copy

Filing of report

SEC. 14 Section 3296 of said code is amended to read

3296. Upon the issuance of any order or amendment of an order a notice shall be posted on a public bulletin board to be maintained by the director in his office and a copy shall be published pursuant to Section 6061 of the Government Code in the capital of the State and in such other localities as the director may prescribe. No order or amendment shall become effective until five days after posting and publication.

Notice of order, etc

SEC. 15. Section 4273 of said code is amended to read:

4273. If the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this chapter, he shall formulate a stabilization and marketing plan for fluid milk for such area and issue a notice of public hearing upon the plan formulated to all producers and distributors of record with the Department of Agriculture who may be subject to the provisions of such plan. The notice of hearing may be effected by mail, or by publication pursuant

Stabilization and marketing plan

Notice

to Section 6062 of the Government Code in the area designated and shall specify the time and place of such hearing, which shall not be held prior to 10 days from the mailing, or from the final publication of such notice; provided, however, that if no daily newspaper of general circulation is published in the area designated, publication pursuant to Section 6066 of the Government Code shall be sufficient. At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter. If, after public hearing the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards herein prescribed, he shall issue an order to all producers and distributors of record with the director, and subject to the provisions of such plan, declaring such plan in effect within 30 days from the date of such hearing.

SEC. 17. Section 25361 of the Business and Professions Code is amended to read:

Notice and service

25361. Notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms, or corporations having any right, title, or interest in the alcoholic beverages or other property seized. If the owner or owners are unknown or cannot be found, notice of the seizure and intended forfeiture proceedings shall be made upon such owners by publication pursuant to Section 6061 of the Government Code in the county where the seizure was made.

SEC. 18. Section 1827 of the Education Code is amended to read:

Notice of governing board member election

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 in the district pursuant to Section 6063 of the Government Code. 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. 19. Section 1903 of said code is amended to read:

Recall election Notice

1903. The county superintendent of schools shall call the recall election by posting election notices in three public places in the district at least 35 days before the election, and by publishing a notice of the election in the district pursuant to Section 6063 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

SEC. 20. Section 2506 of said code is amended to read:

2506. In the event the board of supervisors orders that an election be held, the election shall be called, held, and conducted by the county superintendent of schools in the territory proposed to be transferred. Election re change of school district boundary

Except as provided in this section, the election shall be called, held, and conducted in as nearly the same manner as is practicable as are elections for governing boards and the county superintendent of schools shall have all the applicable powers and duties with respect to the election which school district governing boards have in elections for such governing boards.

The election shall be called by posting notices in at least three public places in the territory proposed to be transferred at least 30 days before the election. Notices may, in the discretion of the county superintendent of schools, be published in the territory pursuant to Section 6066 of the Government Code. Notices shall specify the time and place of election and the proposition to be voted on by the electors, shall describe the territory proposed to be transferred, and shall specify the location of the polls, the hours during which the polls will be kept open, and the hour when the returns of the election will be canvassed. Notice

The ballots used in the election shall contain substantially the words "Shall the territory in which this election is held be transferred from the _____ school district(s) to the _____ school district?" Opposite such words, in separate lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word. Ballots

The costs of the election shall be paid in equal shares out of the funds of the school districts to be affected by the proposed change of boundaries.

The county superintendent of schools shall certify the results of the election to the board of supervisors. If a majority of the votes cast were in favor of the proposed change of boundaries, the board of supervisors shall, by an order placed on its minutes, order the change of boundaries. A copy of the order shall be recorded as provided in Section 2535. The provisions of Section 2536 shall apply to the effect of the order.

SEC. 21. Section 3415 of said code is amended to read:

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: Notice of hearing

(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 pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the territory, or if there is none, then in a newspaper of gen-

eral 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.

SEC. 23. 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. Notice

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 pursuant to Section 6063 of the Government Code. 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:

(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.

Costs

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.

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.

Effective date of new tax rate

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

SEC. 24. Section 7402 of said code is amended to read:

Bond election Notice

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 pursuant to Section 6063 of the Government Code. 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."

Precincts

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.

Costs

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.

SEC. 25. Section 7908 of said code is amended to read:

Notice of bond sale

7908. 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 pursuant to Section 6066 of the Government Code. 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. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by the State Treasurer into the State School Building Aid Fund and must be used exclusively to aid school districts of the State in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, alteration of, and making additions to, school buildings; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof, the expense of preparing and of advertising the sale or prior redemption of said bonds, and the actual and necessary expenses of the State School Building Finance Committee

SEC. 27. Section 21625 of said code is amended to read:

Notice of hearing

21625. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for a student transportation district to func-

tion by publication pursuant to Section 6061 of the Government Code not less than 15 days before, and not more than 45 days before such hearing.

SEC. 28. Section 21652 of said code is amended to read:

Notice calling for bids

21652. For the purpose of securing bids, the board shall publish in the district a notice calling for bids, stating the work to be done, or materials, supplies, or services to be furnished, and the time when and the place where the bids will be opened. Publication of the notice shall be pursuant to Section 6066 of the Government Code.

SEC. 29. Section 668 of the Elections Code is amended to read:

Publication of election officers, etc

668. The county clerk, acting for the election board, shall also publish the list of the names of the election officers appointed and the polling places designated for each election precinct. Publication shall be pursuant to Section 6066 of the Government Code in the county where the election is to be held and in any newspaper of general circulation designated by the election board.

SEC. 30. Section 1003 of said code is amended to read:

Publication Copy of proclamation

1003. Upon receipt of the proclamation, the board of supervisors shall cause a copy to be published in the county pursuant to Section 6061 of the Government Code at least 10 days before the election In case of special elections to fill a vacancy in the Office of Representative in Congress. State Senator or Member of Assembly, upon receipt of the proclamation, the board of supervisors shall cause a copy to be published, as hereinbefore provided, except that publication need not be made for a longer period than five days before the election.

SEC. 31. Section 2352 of said code is amended to read:

Same Presidential primary notice

2352. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code.

SEC. 32. Section 2540 9 of said code is amended to read:

Determination of party qualifications

2540.9. (a) Within 125 days before a primary election, the Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are disqualified to participate in any primary election under Section 2540 4. If it is proposed to disqualify a party which was qualified to participate in the next preceding direct primary, notice of intention to disqualify shall be served by registered mail on the chairman of the state central committee of the party as shown by the records of the Secretary of State. If it is proposed to serve a notice of intention to disqualify a party qualifying by petition, notice of intention to disqualify shall be served by registered mail on the persons who presented the petition if the names and addresses of such persons are known to the Secretary of State. In any event, notice of intention to disqualify shall be given in each county of the State by publication pursuant to Section 6061 of the Government Code in each such county or, if there is no newspaper of general circulation printed and published in any county, then in an adjoining county.

Notice

Affidavit

(b) If the party desires a hearing on the notice of intention to disqualify, it shall, within 10 days after service by mail or within 10 days after the last date upon which the notice was published in any county, whichever is later, file an affidavit in the Supreme Court of the State of California under Section 2900 of this code setting forth facts showing that the political party is not disqualified to participate in any primary election under Section 2540.4 If the party does not file such an affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. Before the affidavit is filed, a copy thereof shall be personally served on the Secretary of State. When filed, the matter shall be set for return in not later than 10 days and shall have priority over any other pending cases.

Jurisdiction

(c) In connection with proceedings in the Supreme Court under this section, the Legislature hereby declares its intent to create a speedy and expeditious method for judicial determination of the vital questions involved, and urges the Supreme Court to accept jurisdiction in any such proceeding The Legislature urges further in connection with such proceedings that the court instruct any referee before whom the taking of evidence is ordered to report back to the court in sufficient time so that the court's final order may be made effective on or before the eightieth day before the primary election.

SEC. 33. Section 2575 of said code is amended to read:

Publication by county clerk

2575. Within 10 days after receipt of the notice designating the offices for which candidates are to be nominated, the county clerk shall publish in the county so much of the notice as may be applicable to his county. The publication shall be pursuant to Section 6066 of the Government Code and shall include a statement of the offices of judges of inferior courts in the county for which candidates are to be nominated, and a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be.

SEC. 34. Section 9750 of said code is amended to read:

Notice of municipal election Publication

9750. Not earlier than the seventy-fifth nor later than the fifty-fourth day before any municipal election, the city clerk shall publish a notice of the election pursuant to Section 6061 of the Government Code in the city. The notice shall be headed "Notice of Election," and shall contain a statement of:

(a) The time of the election;

(b) The offices to be filled, specifying full term or short term, as the case may be.

If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city.

SEC. 35. Section 9754 of said code is amended to read:

List of nominees

9754. In case of a municipal election to fill offices, the city clerk shall publish a list of the names of the nominees, in the order in which they appear on the ballot, and the respective

offices for which they have been nominated. Publication shall be in the city and pursuant to Section 6066 of the Government Code If there is no newspaper published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within that time in at least three public places in the city. This list shall be headed, "Nominees for Public Office," in conspicuous type, and be substantially in the following form: Form of list

NOMINEES FOR PUBLIC OFFICE

Notice is hereby given that the following persons have been nominated for the offices hereinafter mentioned to be filled at the General Municipal Election to be held in the _____ of _____ on _____ the _____ day of _____, 19___.
(Here follow with the list of nominees.)
Dated, _____

_____
City Clerk

SEC. 41. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law: Consent to United States acquisition of lands

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act"; Conditions and reservations

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed;

(d) The conditions prescribed in subdivisions (a), (b), and (c) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of

civil process and criminal process in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired.

Hearing and notice

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

Exempt acquisitions

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 375 to 380, inclusive, of the Fish and Game Code.

SEC. 42. Section 194 of said code is amended to read:

Notice of sale

194 No such sale shall be made by a city or county except by its legislative body, nor until after notice has been published in the jurisdiction of the legislative body pursuant to Section 6064 The notice shall·

(a) Describe the land or lands to be sold.

(b) Set forth in general terms the interests, easements, or reservations to be reserved by the public.

(c) State the time and place of the sale.

(d) Call for sealed bids in writing.

SEC 42.5. Section 6061 3 is added to said code, to read:

Publication of notice three times

6061.3. Publication of notice pursuant to this section shall be for three successive times.

SEC. 43. Section 15833 of said code is amended to read:

15833. Due notice of the time and place of sale of all bonds shall be given by the State Treasurer by publication pursuant to Section 6066 in the City and County of San Francisco, in the City of Sacramento, and in the City of Los Angeles. 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. Notice of bond sale

SEC. 44. Section 16751 of said code is amended to read:

16751. Due notice of the time and place of sale of the bonds shall be given by the State Treasurer by publication pursuant to Section 6066 in the City and County of San Francisco, in the City of Sacramento, and in the City of Los Angeles. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of one thousand dollars ($1,000) for each sale so advertised. Same

SEC. 45. Section 25210.16 of said code is amended to read:

25210.16. The clerk of the board of supervisors shall publish a notice of the hearing pursuant to Section 6061 in a newspaper of general circulation published in the county or if there is no newspaper published in the county then it shall be published in a newspaper of general circulation which is circulated in the area. Publication shall be complete at least seven days prior to the date of the hearing. Notice of hearing

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for the hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the area, the extent of the area or the furnishing of specified types of extended services will be heard.

SEC. 46. Section 25350 of said code is amended to read:

25350. No purchase of real property, including any water right or other interest therein, of which the purchase price is in excess of two thousand dollars ($2,000) shall be made unless a notice of the intention of the board of supervisors to make the purchase is published in the county pursuant to Section 6063. If no newspaper is published in the county, the notice shall be posted at least three weeks prior to the time the board meets to consummate the purchase in at least three public places in each supervisorial district. The notice shall contain a description of the property proposed to be purchased, the price, the vendor, and a statement of the time the board will meet to consummate the purchase. Notice Intention to purchase

SEC. 48. Section 25528 of said code is amended to read:

25528. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the board or by a ma- Same Adoption of resolution, etc.

jority thereof in three public places in the county, not less than 15 days before the date of the meeting, and by publishing the notice in the county pursuant to Section 6063.

SEC. 49. Section 25529 of said code is amended to read:

Same
Lease of real property

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 the county pursuant to Section 6062.

SEC. 50. Section 26028 of said code is amended to read:

Notice, etc., of finding

26028. The finding required by Section 26027 shall not be made without notice and opportunity to be heard being given to all interested persons. Notice shall be given by publication pursuant to Section 3064 in a newspaper of general circulation published in the county, or, if there is none, in a newspaper of general circulation published in an adjoining county. The notice shall specify the date of hearing.

SEC. 52. Section 35119 of said code is amended to read:

Publication of resolution

35119. The city clerk shall cause a copy of the resolution to be published pursuant to Section 6066 in a newspaper of general circulation published in the territory proposed to be annexed, or, if there is none, in a newspaper of general circulation published in the city. If no such newspapers are published, a copy of the resolution shall be posted not less than 10 days before the hearing in at least three public places within the territory.

Notice mailed to owners

The city clerk shall also cause written notice of such proposed annexation to be mailed to each owner of an equitable or legal interest in land, other than an easement or right of way, within the territory to be annexed who has filed his name and address and a general description of such land, sufficient to identify it on the last equalized county assessment roll, with said clerk. Said notice shall be mailed not less than twenty (20) days before the first public hearing on the proposed annexation.

SEC. 53. Section 35452 of said code is amended to read:

Notice of proposed annexation

35452. The clerk of the board of supervisors shall cause notice of the proposed annexation to be published in the county pursuant to Section 6061. The notice shall contain a general description of the land sought to be annexed, the city to which it is proposed to be annexed, and announce the time and place objections will be heard. The clerk shall mail a copy of such notice to the legislative bodies of all cities whose boundaries are contiguous with any of the area proposed to be annexed at least 10 days prior to the date set for hearing.

SEC. 54. Section 38504 of said code is amended to read:

Publication of resolution

38504. The resolution shall be published pursuant to Section 6063 in a newspaper of general circulation published in the city or, if there is none, in any newspaper designated by the legislative body which is published in the county. Not less

than four copies of the resolution shall be posted conspicuously not more than 100 feet apart along the boundaries of the park.

SEC. 55. Section 43649 of said code is amended to read:

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 in the city pursuant to Section 6066. Notice of hearing

SEC. 56. Section 50022.3 of said code is amended to read:

50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof. Hearing. Notice

SEC. 57. Section 50485.5 of said code is amended to read:

50485.5. No airport zoning regulations shall be adopted, amended or changed under this article except by action of the legislative body of the city or county in question after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published pursuant to Section 6066 in an official paper, or a paper of general circulation, in the city or county in which is located the airport hazard area to be zoned Airport zoning regulations. Hearing

SEC. 59. Section 61105 of said code is amended to read:

61105. The board of supervisors to whom the petition is addressed shall publish a notice of the hearing pursuant to Section 6066 in a newspaper of general circulation, circulated within the territory of the proposed district which lies in the county. Notice

SEC. 60. Section 61122 of said code is amended to read:

61122. Notice of the election shall be published pursuant to Section 6066 in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county. Same

SEC. 61. Section 61405 of said code is amended to read:

61405. Notice of each district election shall be published pursuant to Section 6066 in a newspaper of general circulation circulated within the district. Same

SEC. 62. Section 61651 of said code is amended to read:

61651. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 in a newspaper of general circulation circulated within the district. Same

SEC. 63. Section 61660 of said code is amended to read:

Same: Special bond election

61660. The resolution provided for in Section 61659 shall constitute the notice of such special bond election and such resolution shall be published pursuant to Section 6066 in a newspaper of general circulation circulating within the district.

SEC. 64. Section 61672 of said code is amended to read:

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 pursuant to Section 6061, 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.

Notice

SEC. 65. Section 61684 of said code is amended to read:

Notice designating bonds

61684. Notice designating the bonds called for redemption shall be published pursuant to Section 6063 in a newspaper of general circulation circulated in the county in which the office of the district is situated.

SEC. 66. Section 61747 of said code is amended to read:

Notice Sale of notes

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 pursuant to Section 6061 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.

SEC. 67. Section 61808 of said code is amended to read:

Notice

61808. The notice shall be published pursuant to Section 6066 in a newspaper of general circulation circulated within the district.

SEC. 68. Section 61858 of said code is amended to read:

Same Petition for dissolution

61858. Upon receipt of the petition for dissolution the secretary shall within 40 days publish a notice of the petition pursuant to Section 6066 in a newspaper of general circulation circulated within the district.

SEC. 69. Section 61903 of said code is amended to read:

Same: Petition for exclusion

61903. Notice of the filing of the petition for the exclusion of territory shall be published by the secretary pursuant to Section 6064 in the principal county and in each other county in which territory proposed to be excluded is situated. If no

newspaper of general circulation is published in any one or more counties in which publication is required, notice shall be posted for four weeks in at least three public places in the district, one of which notices shall be posted in the territory proposed to be excluded.

SEC. 70. Section 65502 of said code is amended to read:

Same Hearing

65502. Notice of the time and place of the hearing shall be given by publication pursuant to Section 6061 in the city, county or in each city or county in an area, at least 10 days before the hearing.

SEC. 71. Section 65509 of said code is amended to read:

Hearing: Master or general plan

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 pursuant to Section 6061 in the city or county at least 10 days before the hearing.

SEC. 72. Section 65514 of said code is amended to read:

Same Change or addition

65514. After the receipt of such report, the legislative body shall hold at least one public hearing on the proposed change or addition. Notice of the time and place of the hearing shall be published pursuant to Section 6061 in the city or county at least 10 days before the hearing.

SEC. 73. Section 65651 of said code is amended to read:

Notice of hearing

65651. Notice of the time and place of the hearing shall be given by publication pursuant to Section 6061 in the city or county at least 10 days before the hearing and by such other means as the commission deems necessary.

SEC. 74. Section 65654 of said code is amended to read:

Proposed precise plan or regulation

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 pursuant to Section 6061 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. 75. Section 65895 of said code is amended to read:

Hearing Board of zoning adjustment

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 pursuant to Section 6061 not less than 10 days before the date fixed for such hearing

SEC. 76. Section 68900 of said code is amended to read:

Bids Publication of reports

68900. Before entering into any such contract, the Secretary of State shall advertise pursuant to Section 6061 for proposals for the publication of the reports in one daily paper in Sacramento, one daily paper in San Francisco, and one daily

paper in Los Angeles. The reporter, Secretary of State, and Attorney General shall consider all proposals for the publication of the reports which may be made to them and award the contract to the person who agrees to publish and sell them on the terms most advantageous to the State and public.

SEC. 77. Section 2050 of the Harbors and Navigation Code is amended to read:

Same: Wharfs, etc.

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 pursuant to Section 6061.3 of the Government Code, commencing not less than 10 calendar days before the day specified in the advertisement for the opening of bids.

SEC. 78. Section 6093.1 of said code is amended to read:

Publication of notice

6093.1 On or before the fifteenth day of June of each year, the board shall publish a notice pursuant to Section 6061 of the Government Code throughout the district stating:

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

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

SEC. 79. Section 6272 of said code is amended to read:

Bids Work and supplies

6272 Contracts for the doing of work or the purchasing of supplies, the cost of which exceeds three thousand dollars ($3,000), shall be let by the board upon competitive bidding.

Notice of the proposed letting of contract shall be given by publication pursuant to Section 6061 of the Government Code in the county in which the district is located, at least five days before the time fixed for opening bids. Bidding shall be by sealed proposals filed with the district, upon forms furnished by it, and under such rules and regulations as the board may prescribe. All bids shall be publicly opened and declared and the award of the contract shall be made in open session of the board to the lowest and best responsible bidder.

SEC. 80. Section 4121 of the Health and Safety Code is amended to read:

Same Disposal of garbage, etc

4121 The board of supervisors may enter into contracts for the disposal of garbage and other refuse matter. Whenever the board enters into, or renews such a contract, it shall advertise for bids for the performance of the work in a newspaper of general circulation in the county. The advertisement shall be published pursuant to Section 6062. If there is no newspaper of general circulation published in the county, then the

notice shall be given by posting in three public places for at least two weeks.

All bidders shall be afforded opportunity to ascertain the details of the nature of the work to be done under the contract. The contract shall be let to the lowest responsible bidder. If no satisfactory bid is obtained the board may reject all bids. If all bids are rejected the board of supervisors may readvertise for bids or, without the necessity of readvertising, may enter into contracts for the disposal of garbage and other refuse for a term not to exceed six months on such terms as are necessary or proper in the exercise of the district's powers.

SEC. 81. Section 4165.1 of said code is amended to read:

Hearing Consolidation of districts

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 pursuant to Section 6066 of the Government Code 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.

SEC. 83. Section 4724 of said code is amended to read:

Notice of hearing

4724. Notice of hearing shall be given by publishing the resolution pursuant to Section 6066 of the Government Code in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said resolution in three public places in each district at least two weeks before the time fixed for said hearing.

SEC. 84. Section 4726 of said code is amended to read:

Election

4726. At the election only voters registered in the proposed consolidated district may vote. The board of supervisors shall provide for the holding of said election on the day so fixed, shall establish election precincts, shall appoint precinct boards which shall consist of one inspector, one judge and one clerk, and shall order the other particulars of conducting the election. Notice shall be given by publication pursuant to Section 6066 of the Government Code of the order calling and providing for the holding of said election in a newspaper of general circulation in each district proposed to be consolidated and by posting a copy of said order in three public places in each district at least two weeks before said election.

Notice

SEC. 87. Section 4807 of said code is amended to read:

Notice of hearing

4807. Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper having general circulation in the county sanitation district Such notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

SEC. 88. Section 4808 of said code is amended to read:

Hearing Incurring of bonded indebtedness

4808. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the district board shall proceed with the hearing. At the hearing any person in-

terested, including any person owning property within the district or within the proposed improvement district, may appear and protest the inclusion of his property within the proposed improvement district and/or present any other matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

The district 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; and provided further, that said board shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein If the district board proposes to change the purposes for which the proposed debt is to be incurred, it shall cause appropriate changes to be made in the report before giving notice of such change. The purpose, amount of bonded debt and boundaries shall not be changed by said board except after notice of its intention to do so, given pursuant to Section 6061 of the Government Code in a newspaper having general circulation in said county sanitation district, and by posting in three public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the engineer's report as changed by said board, together with a map showing exterior boundaries as proposed to be changed, are on file with the district board and are available for inspection by any person interested, 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, said board shall continue 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 (which purpose shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers) 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 district board, 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 _____ (name of county sanitation district),"

and the determination made in said resolution shall be final and conclusive. After the formation of such improvement district within a county sanitation district, 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 derived exclusively from an annual tax upon the real property in the improvement district.

SEC. 89. Section 5473.1 of said code is amended to read:

5473.1. The clerk shall cause notice of the filing of said report and of a time and place of hearing thereon to be published pursuant to Section 6066 of the Government Code prior to the date set for hearing, in a newspaper of general circulation printed and published within the entity if there is one and if not then in such paper printed and published in the county within which the greater part of such district is located. Notice. Filing of report, etc.

Before any entity may have such charges collected on the tax roll for the first time following the effective date of this section, the clerk shall cause a notice in writing of the filing of said report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to said clerk. If the legislative body adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

SEC. 90. Section 5474.1 of said code is amended to read:

5474.1. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date set for hearing. At least 10 days prior to the date of hearing written notice thereof shall be mailed to all persons owning land subject to such fees or charges, whose names and addresses appear on the last equalized county assessment roll. Notice

SEC. 91. Section 6026 of said code is amended to read:

6026. Notice fixing the time and place for hearing upon the question of the annexation shall be published pursuant to Section 6061 of the Government Code 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. Same: Hearing re annexation

SEC. 92. Section 6056 of said code is amended to read:

6056. The resolution calling the election shall be published pursuant to Section 6063 of the Government Code in a newspaper having general circulation in the regional district Notice of election

and designated by the district board. No other notice of the election need be given.

SEC. 93. Section 6844 of said code is amended to read:

Publication of annexation petition

6844. The petition shall be published pursuant to Section 6066 of the Government Code prior to the date of its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers.

SEC. 94. Section 6915 of said code is amended to read:

Tax exemption

6915. (a) If said territory shall be subject to any voted bonds or special assessments or assessment bonds issued or levied by the district or any annexed area thereof, for the cost of acquiring or constructing any sanitary sewerage facilities within or for said territory, said legislative bodies may, in said resolutions or agreement, provide that said territory shall be and remain subject to taxes and assessments therefor. In such event said territory shall not become subject to taxes by said city for the cost of similar facilities acquired or constructed by the city for other than said territory.

Where indebtedness assumed by territory

(b) If any territory so indebted shall have assumed any indebtedness of the city for the cost of acquiring or constructing facility for other than said territory, then said legislative bodies shall provide, in said resolutions or agreement, that (1) said territory shall no longer be taxed by said city for said bonds of the city, or (2) that said territory shall no longer be taxed by said district for bonds of said district, or (3) said city shall agree to semiannually pay into the bond interest and redemption fund of said district an amount which would be levied and collected from said territory, in lieu of such tax or assessment within said territory.

Double taxation

(c) If said territory must continue to be serviced by facilities of the city, for the use or cost of which the district is required to pay the city any annual or other sum based on sewage flow or population growth of said district, the agreement therefor shall be so modified as to eliminate any inequality which may result from double taxation. This may be by either agreement on the boundaries of the area to be assessed or taxed therefor or by refund by the city to the district or both.

Notice of withdrawal

(d) When the city and the district have finally agreed as to the conditions upon which said territory shall be withdrawn from said district, three executed copies of said resolutions or agreement shall be filed with the county clerk, who shall give notice of a hearing thereon not less than 10 nor more than 30 days prior to said hearing, by publishing a notice thereof pursuant to Section 6066 of the Government Code in said territory. Said notice shall describe the territory, and briefly de-

scribe the conditions agreed upon and give notice of the time and place of said hearing.

Hearing

(e) After the board of supervisors has fully heard and considered said matter and all persons interested therein, and, if it shall find that said agreement is fair and equitable, it shall adopt a resolution ordering said exclusion. The conditions agreed upon shall be contained therein. If it shall find that said terms are not fair and equitable, it shall refer said matter to said legislative bodies who shall redetermine said matter as in the first instance and their determination shall again be heard by the board of supervisors as in the first instance.

Agreements

(f) Either the city or the district may request the other to agree upon the terms and conditions upon which said territory shall be withdrawn and excluded from said district. If the city and the district are unable to agree on such terms and conditions within three months thereafter, the city or district, whichever has requested such agreement, may bring an action in the superior court of the county in which said territory proposed to be excluded is situated against the other political corporation to have such terms and conditions determined. In such action, the superior court shall determine and adjudicate the terms and conditions upon which said territory shall be withdrawn and excluded from said district, and upon the making of the final judgment in such action, said territory shall be ordered excluded from said sanitary district upon the terms and conditions of said judgment, and said order shall be final.

Filing of resolution

(g) When said exclusions have been ordered, certified copies of said resolution, together with certified copies of the resolutions of the city and district, shall be filed by the county clerk in the records of said city and of said district, with the county assessor and county auditor and with the State Board of Equalization, and said territory shall be subject to taxation as therein provided from and after February 1st following the filing of same.

Maps and descriptions

(h) The maps and descriptions accompanying the notice of exclusion required to be filed under Sections 54900 to 54903, inclusive, of the Government Code shall clearly show the boundaries of the several taxing areas resulting from the agreement.

SEC. 95. Section 8968 of said code is amended to read:

Publication: Adoption of resolution, hearing

8968. Notice of the adoption of the resolution and of the time and place of holding the hearing shall be given by posting copies of the resolution signed by the members of the board of trustees or by a majority thereof, in three public places in the district not less than 10 days before the date of the hearing, and by publishing the notice pursuant to Section 6061 of the Government Code not less than five days before the date of the hearing in a newspaper of general circulation published in the county in which the district or any part thereof is situated and having a general circulation in the district.

SEC. 96. Section 14230 of said code is amended to read:

Petition: Verification and notice

14230. The petition shall be verified by the affidavit of one of the petitioners, and notice of its filing, together with the names of owners and a general description sufficient for identification of the real property proposed to be included in the district, and a statement of the time fixed for hearing the petition, and a statement that all persons interested may appear and be heard, shall be published pursuant to Section 6061 of the Government Code at least two weeks preceding the hearing, by the board of supervisors, in a newspaper of general circulation in the county in which the district is located and in the territory which is to be included within the district.

SEC. 97. Section 14714 of said code is amended to read:

Notice of hearing

14714. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6061 of the Government Code within the district and by posting copies of the resolution in at least three public places in the proposed zone, at least thirty (30) days prior to the date of the hearing.

SEC. 98. Section 14754 of said code is amended to read:

Same

14754. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing pursuant to Section 6061 of the Government Code 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.

SEC. 99. Section 14759.5 of said code is amended to read:

Same

14759.5. The clerk of the board of supervisors shall give notice by sending by registered mail to each of the directors of the district a notice of the time for the hearing of the request. Notices shall be mailed at least 10 days before the day set for the hearing.

The clerk shall also cause the notice of the time of the hearing of the resolution to be published pursuant to Section 6061 of the Government Code not less than 10 days before the hearing in a newspaper of general circulation within the district and printed and published within the county in which the land of the district or the greater portion of it lies.

SEC. 100. Section 14778 of said code is amended to read:

Same

14778. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the proposed withdrawal to the landowners in the district.

SEC. 101. Section 14786 of said code is amended to read:

Notice of election

14786. The notice shall be published pursuant to Section 6063 of the Government Code prior to the date of the election in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the election to the landowners in the district.

SEC. 102. Section 20343 of said code is amended to read:

Notice of hearing

20343. The board shall, at least a week prior to the time so fixed, publish a notice of hearing pursuant to Section 6061 of the Government Code in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

SEC. 103. Section 24350.5 of said code is amended to read:

Same

24350.5. Prior to the public hearing, the board of supervisors shall give notice of the time and place of hearing by publication pursuant to Section 6061 of the Government Code not less than 15 days nor more than 45 days before such hearing.

SEC. 104. Section 24362 of said code is amended to read:

Determination re air pollution

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 pursuant to Section 6061 of the Government Code 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.

Publication intention to adopt resolution, 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.

SEC. 105. Section 24362.2 of said code is amended to read:

Hearing Rules and regulations, 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 public hearing by publication in the district pursuant to Section 6061 of the Government Code.

SEC. 106. Section 24365 9 of said code is amended to read:

Notice of hearing

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 publication of notice in the district pursuant to Section 6061 of the Government Code.

SEC. 107. Section 24372 of said code is amended to read:

Dissolution of district

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 pursuant to Section 6066 of the Government Code 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. 108. Section 32004.3 of said code is amended to read:

Petition for annexation. Notice and hearing

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

(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 pursuant to Section 6066 of the Government Code 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.

SEC. 109. Section 32133 of said code is amended to read:

Audit of hospital books

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 financial statement of the district with the auditor's certification, including any exceptions or qualifications as part of such certification, shall be published in the district by the board pursuant to Section 6061 of the Government Code.

Publication

SEC. 110. Section 32412 of said code is amended to read:

Notice. Filing of exclusion petition

32412 A notice of the filing of an exclusion petition shall be published by the secretary of the board of directors pursuant to Section 6066 of the Government Code 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 in which the principal office of the district is located. If no newspaper is published in the county 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 area proposed to be excluded.

SEC. 111. Section 33747 of said code is amended to read:

Redevelopment plan amendments

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.

Notice and hearing

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code 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 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.

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, 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.

SEC. 112. Section 34518 of said code is amended to read:

State public body. Powers

34518. A state public body may incur the entire expense of any public improvements made by it in exercising the powers granted in this chapter. Any law to the contrary notwithstanding, a state public body may make any sale, conveyance, lease, or agreement provided for in Sections 34510 to 34517, inclusive, without appraisal, public notice, advertisement, or public bidding.

Prior to entering into any cooperation agreement the governing body of any state public body shall hold a public hearing for the purpose of giving interested persons an opportunity to be heard as to whether such cooperation agreement should be entered into.

Notice of such hearing shall be published pursuant to Section 6066 of the Government Code prior to the date of hearing. At least three copies of the proposed cooperation agreement submitted to the governing body shall be available for inspection by interested persons prior to the public hearing.

The cooperation agreement may provide that there shall be a public hearing prior to the approval by the governing body of a county or city of any site for a public housing project.

The executed cooperation agreement shall be conclusive evidence that all proceedings prior thereto under this section have been in full compliance with this section.

SEC. 113. Section 996.31 of the Military and Veterans Code is amended to read:

Notice for bond sale

996.31. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication pursuant to Section 6066 of the Government Code in one newspaper published in the City and County of San Francisco, in one newspaper published in the City of Sacramento and in one newspaper published in the City of Los Angeles. Publication shall be complete prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars ($500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

SEC. 114. Section 1191 of said code is amended to read:

Memorial districts Powers

1191. Every district may:

(a) Provide and maintain memorial halls, assembly halls, buildings, or meeting places for the use of veteran soldiers, sailors and marines who have honorably served the United States in any wars or campaigns recognized by law for the purposes of Section 1¼ of Article XIII of the Constitution, or for the use of patriotic, fraternal, or benevolent associations of such persons.

(b) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary or convenient for the construction or maintenance of such halls, buildings and meeting places and improve, preserve, manage and control the same.

(c) Purchase, construct, lease, build, furnish, or repair such halls, buildings and meeting places upon sites owned or leased by the district or made available to the district; and provide custodians, employees, attendants, and supplies for the proper maintenance, care and management thereof.

(d) Furnish sites for such halls, buildings, or meeting places, to be built either by the district or by or for patriotic, fraternal or benevolent associations of veterans, the funds for such sites to be supplied by the district or from other sources.

(e) Enter into agreements with county, municipal, school, park, or other public authorities or agencies, conveying, leasing, or making available to the district either gratuitously or for compensation, sites upon public lands, for the construction, maintenance, and management thereon by the district of such assembly or memorial halls, buildings or meeting places; and construct and maintain thereon such halls, buildings or meeting places.

(f) Sell or lease any district property; provided, that any sale or lease shall be to the highest responsible bidder as determined by the board, except as provided in Section 1191.3. The board shall, prior to any sale, make a call for bids and advertise such call pursuant to Section 6062 of the Government Code in a newspaper of general circulation in the district, inviting sealed bids for the sale or lease of the property. The board may either accept the highest responsible bid or reject all bids. The board may require the successful bidder to file with the board good and sufficient undertaking to be approved by the board to insure faithful performance of the contract of sale or lease. No sales or lease shall be transacted, however, if a petition has been filed with the board requesting them not to enter into the sales or leasing of the property. Such petition shall:

(1) Have affixed thereto, as petitioners, the signatures, indicating place of residence and place of signing, of the electors of the district in a number equal to at least ten percent (10%) of the votes cast in the district at the last preceding general election held in the State.

(2) Should the petition be found to meet the requirements of (1) above, as determined by the records of the county clerk or registrar of voters for the county or counties in which said district lies, the board shall not convey the property or shall submit to the electors of the district to be voted upon at the next primary or general election, or at a special election called for the purpose to ratify or reject the action of the district to sell or lease the property.

(g) Sell or lease any district property to any political subdivision in which the district lies, or any portion thereof, to be used for the purpose of roads, streets or highways, or for the improvements thereof, without regard to the highest responsible bidder but otherwise meeting the requirements in paragraphs (1) and (2) of subdivision (f) above.

(h) Adopt, from time to time, reasonable rules and regulations for the use of such halls, buildings and meeting places by veterans or by organizations thereof, and when incidental to such uses, allow such halls, buildings and meeting places to be used for lawful purposes consistent with the objects hereof by persons or organizations other than veterans either

free of charge or for stated compensation to aid in defraying the cost of maintenance thereof.

SEC. 115. Section 1654 of said code is amended to read:

Hearing

1654. Upon receipt of a petition, the highway commissioners shall set a day for hearing and give notice thereof by publication pursuant to Section 6061 of the Government Code in the city or county in which such property is located. Notice shall be given at least seven days prior to the date set for hearing.

SEC. 116. Section 1153 of the Probate Code is amended to read:

Report of decedent's estates

1153. The public administrator, or any person who received letters of administration while acting as public administrator, must return to the superior court, once in every six months, a report, under oath, of all estates of decedents which have come into his hands during the said six months, giving the value of each estate, the amount of money which he has received from each estate, a statement of what he has done with it, and the amount of his fees and expenses incurred in each estate, and the balance, if any, in each estate, remaining in his hands. He must publish such report pursuant to Section 6062 of the Government Code in some newspaper published in the county, or if there is none, then post the same, legibly written or printed, in the office of the county clerk of the county. One copy of the report must be filed with the papers in each estate so reported and one copy must be transmitted to the State Controller within 60 days after the first Monday in January and July of each year.

Publication

SEC. 117. Section 4949 of the Public Resources Code is amended to read:

Notice of approval

4949. If the findings and proposed amendments, submitted by the committee, are approved by the board, it shall publish a notice of its approval and the full text of the proposed amendments. The notice shall be published pursuant to Section 6063 of the Government Code in each county of the district in which the amended rules are to apply. At the first regular meeting of the board, following the expiration of the period of publication, the board by resolution, shall declare the amended rules to be in effect and have the force of law.

SEC. 118. Section 5353 of said code is amended to read:

Publication: Ordinance of intention

5353. The ordinance of intention shall be published in the city pursuant to Section 6062 of the Government Code. The ordinance, unless otherwise provided by charter of the municipality, shall take effect upon the completion of 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.

SEC. 119. Section 5365 of said code is amended to read:

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 in the city pursuant to Section 6062 of the Government Code, 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.

SEC. 120. Section 5417.3 of said code is amended to read:

Publication· Resolution for election

5417.3. The resolution ordering the holding of the election shall be published pursuant to Section 6066 of the Government Code prior to the election in a newspaper designated by the governing body as being most likely to give notice to the inhabitants of the district, and shall be posted in at least three public places in the district not less than 10 days prior to the date set for the election. No other notice of the election need be given.

SEC. 121. Section 5417.13 of said code is amended to read:

Court proceeding

5417.13. As soon as the governing body authorizes the issuance and sale of bonds pursuant to this article, it, or any other interested person, may, in order to determine that the bonds are, or will be when sold, a legal obligation of the district, institute a proceeding in the superior court of the county in

Complaint

which the district was organized. The complaint shall set forth:

(a) That on a specified date, bonds of the district were authorized by the board to be issued and sold.

(b) Sufficient details to identify the bonds.

(c) The amount of the bonds.

(d) A prayer that the bonds be adjudged a valid legal obligation of the district.

The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy thereof in the county pursuant to Section 6064 of the Government Code.

Within 30 days after the last publication is completed and proof of publication has been filed with the court, any person interested may appear and answer the complaint. The answer shall set forth the facts relied upon to show the invalidity of the bonds.

If no answer is filed within the time, the court shall render judgment decreeing the validity of the bonds. If an answer is filed the court shall proceed as in other civil cases.

The proceeding is in rem and the judgment rendered shall be conclusive against all persons and against the State of California.

SEC. 122. Section 5422 of said code is amended to read:

Annexation, etc., of territory

5422. If at any time after establishment of any district its governing body determines that certain territory whether contiguous to the existing district or not should be annexed to the existing district, or that certain territory should be withdrawn

from the district, the governing body shall fix a time and place for hearing the matter of the annexation or withdrawal of territory. No territory outside the county in which the district was formed may be annexed to the district.

It shall direct its clerk to publish a notice pursuant to Section 6066 of the Government Code in a newspaper circulated in the territory which it is proposed to annex to or withdraw from the district. The newspaper shall be one which the governing body deems most likely to give notice to the inhabitants of the territory.

SEC. 123. Section 5660.3 of said code is amended to read:

5660.3. The resolution ordering the holding of the election shall be published pursuant to Section 6066 of the Government Code prior to the election in a newspaper designated by the board of supervisors as being most likely to give notice to the inhabitants of the district, and shall be posted in at least three public places in the district not less than 10 days prior to the date set for the election. No other notice of the election need be given.

Publication Resolution for election

SEC. 124. Section 5660.13 of said code is amended to read:

5660.13. As soon as the board of trustees authorizes the issuance and sale of bonds pursuant to this article, it, or any other interested person, may, in order to determine that the bonds are, or will be when sold, a legal obligation of the district, institute a proceeding in the superior court of the county in which the district was organized. The complaint shall set forth:

Court proceeding

Complaint

(a) That on a specified date, bonds of the district were authorized by the board to be issued and sold.

(b) Sufficient details to identify the bonds.

(c) The amount of the bonds.

(d) A prayer that the bonds be adjudged a valid legal obligation of the district.

The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy thereof in the county pursuant to Section 6064 of the Government Code.

Within 30 days after the last publication is completed and proof of publication has been filed with the court, any person interested may appear and answer the complaint. The answer shall set forth the facts relied upon to show the invalidity of the bonds.

If no answer is filed within the time, the court shall render judgment decreeing the validity of the bonds. If an answer is filed the court shall proceed as in other civil cases.

The proceeding is in rem and the judgment rendered shall be conclusive against all persons and against the State of California.

SEC. 125. 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 commis-

Publication: Notice of intention to lease land

sion, the commission shall give notice of intention to lease such lands. The notice shall be published pursuant to Section 6066 of the Government Code 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 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.

SEC. 126. Section 7904 of said code is amended to read:

Service of summons

7904. Service of the summons in such action may be made by publication pursuant to Section 6064 of the Government Code in some newspaper published in the county, or if no newspaper is published in the county, then by posting one copy of the summons for four weeks at the courthouse door of the county, and two copies in public places in the judicial district where the land is situated.

SEC. 127. Section 9111 of said code is amended to read:

Notice of hearing

9111. Notice of the time and place of hearing shall be published pursuant to Section 6066 of the Government Code 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.

SEC. 128. Section 9131 of said code is amended to read:

Notice of election

9131. Notice of election shall be published pursuant to Section 6066 of the Government Code in the principal county and, if a portion of the district lies in any other county, also 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.

SEC. 129. Section 9171 of said code is amended to read:

Meetings

9171. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after a notice of the change is published pursuant to Section 6061 of the Government Code in the principal county and in each other county in which any portion of the district lies

SEC. 130. Section 9319 of said code is amended to read:

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 pursuant to Section 6061 of the Government Code 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.

SEC. 131. Section 9340 of said code is amended to read:

Notice

9340. The notice shall be published pursuant to Section 6066 of the Government Code in the principal county and in each other county in which any part of the district lies.

SEC. 132. Section 9406 of said code is amended to read:

Publication; Financial statement

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 pursuant to Section 6066 of the Government Code in the principal county and in each other county in which any part of the district lies.

SEC. 133. Section 9861 of said code is amended to read:

Notice of hearing

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 pursuant to Section 6066 of the Government Code 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.

SEC. 134. Section 12751 of the Public Utilities Code is amended to read:

Purchase contracts

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 pursuant to Section 6061 of the Government Code at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

SEC. 135. Section 14401 of said code is amended to read:

Report, hearing, and notice

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. Prior to the hearing, notice of the time and place of hearing shall be published within the district pursuant to Section 6066 of the Government Code.

SEC. 136. Section 15735 of said code is amended to read:

Publication of notice

15735. The publication of notice shall be pursuant to Section 6062 of the Government Code in a newspaper of general circulation, printed, published, and circulated in the respective unit of the unincorporated territory, or if no such newspaper is printed, published, and circulated in the territory, in

a newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of the territory.

SEC. 137. Section 15762 of said code is amended to read:

Publication. Ordinance calling election

15762. The ordinance calling the election shall be published in the unincorporated territory pursuant to Section 6062 of the Government Code. If no newspaper is printed, published, and circulated in the territory, publication shall be made in a newspaper printed and published elsewhere in the county and deemed most likely to give notice to the electors of the territory. The notice of election shall also be posted in at least two public places in each precinct within each unincorporated territory in which the election is held for at least 10 days prior to the election.

SEC. 138. Section 16041 of said code is amended to read:

Publication: Financial statement

16041. Publication of the financial statement shall be made pursuant to Section 6066 of the Government Code in a newspaper of general circulation printed and published in the district, or if there is no such newspaper, in a newspaper of general circulation printed and published in a county where any part of the district is situated.

SEC. 139. Section 16075 of said code is amended to read:

Effective date of ordinance

16075. No ordinance passed by the board takes effect less than 30 days after its passage. At least one week before the expiration of the said 30 days copies of the ordinance shall be posted by the clerk at three public places in the district, and if there is a newspaper of general circulation printed and published in the district, the ordinance shall be published in the newspaper pursuant to Section 6061 of the Government Code.

SEC. 140. Section 16532 of said code is amended to read:

Publication Bids

16532. Except as otherwise provided in this division, the board shall annually advertise for sealed bids for furnishing the district with goods, merchandise, stores, subsistence, printing, materials, and all other supplies, and advertising. The advertisement shall be published pursuant to Section 6062 of the Government Code in the county in which the greater part of the district is situated.

SEC. 141. Section 16844 of said code is amended to read:

Same: Ordinance

16844. The ordinance shall be published pursuant to Section 6066 of the Government Code in some newspaper of general circulation printed and published in the district or, if there is no such newspaper in the district, in some newspaper of general circulation printed and published in the county where all or part of the district is situated. The ordinance shall state the proposed cost of the acquisition and the proposed method and manner of its payment. If the ordinance involves the expenditure of more than one hundred thousand dollars ($100,000), it shall not become effective until 30 days after its final passage

SEC. 142. Section 17102 of said code is amended to read:

17102. An action under this article is in the nature of a proceeding in rem, and jurisdiction of all parties interested is had by publication of summons pursuant to Section 6063 of the Government Code in some paper of general circulation published in the county where the action is pending, the paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction is complete within 10 days after the full publication of summons. Same Summons

SEC. 143. Section 17309 of said code is amended to read:

17309. The board shall cause the publication of the ordinance and a notice fixing the time and place for hearing thereon and notifying all persons interested in or who may be affected by the proposed annexation of territory within the district to appear at the meeting and show cause in writing, if any they have, why the territory or any of it should not be annexed as proposed in the petition. The ordinance and notice shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the district, or if there is no such newspaper, in some newspaper of general circulation printed and published in the county where all or a part of the district is situated. Publication, ordinance, hearing

SEC. 144. Section 17371 of said code is amended to read:

17371. The board shall cause the publication of the resolution and a notice fixing the time and place of hearing thereon and notifying all persons interested in or that may be affected by the proposed annexation of territory to appear at the meeting and show cause in writing, if any they have, why the territory or any part of it should not be annexed as proposed in the resolution. The notice and resolution shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the annexing district, or if there is no such newspaper, in a newspaper of general circulation printed and published in the county where all or a part of the annexing district is situated. Publication of resolution

SEC. 145. Section 17503 of said code is amended to read:

17503. Upon the filing of a petition for exclusion with the secretary of the district he shall call a meeting of the board at a time not less than 25 days nor more than 50 days after the filing of the petition and cause a notice of the filing of the petition to be published pursuant to Section 6066 of the Government Code in some newspaper of general circulation within the district, if there is one, and if not, in some newspaper of general circulation published in the county in which the district is situated. Meeting, etc

SEC. 146. Section 18001 of said code is amended to read:

18001. The board of supervisors, prior to making any assignment, shall cause a notice to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the district to be disincorporated and if none is so published, then in some newspaper published Notice Assignments

in the county, setting the time and place when the proposed transfer and disincorporation will be considered by the board of supervisors, and notifying all persons interested in the transfer and disincorporation to appear and be heard and also notifying all persons having any claims or indebtedness against the district to present them for allowance and payment.

SEC. 147. Section 22153 of said code is amended to read:

Publication of resolution

22153. Each resolution shall be published pursuant to Section 6061 of the Government Code in the county concerned. The board of supervisors may order it published in more than one newspaper. Publication shall be at least 20 days before the date of hearing. The publication of the resolution constitutes the notice of the hearing.

SEC. 148. Section 22227 of said code is amended to read:

Same

22227. The resolution shall be published pursuant to Section 6066 of the Government Code in each county and city in the district. The first publication shall be at least 30 days prior to the date of the election. The resolution may be published in more than one newspaper by order of the board of supervisors of the affected county.

SEC. 149. Section 22731 of said code is amended to read:

Notice of bond election

22731. A notice of the bond election, signed by a majority of the directors, shall be posted in three public places in the district not less than 20 days before the election and shall be published in each affected county pursuant to Section 6063 of the Government Code.

SEC. 150. Section 22784 of said code is amended to read:

Bids

22784. Before selling all or any part of the bonds, the board of supervisors shall advertise for bids pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the principal county, or if no such newspaper is published in the county, in some newspaper published in another county.

SEC. 151. Section 22813 of said code is amended to read:

Publication

22813. The board of supervisors shall publish a notice stating the time and place of the hearing and the object of the petition in general terms, pursuant to Section 6062 of the Government Code in a newspaper published in the district or, if there is no such newspaper, in a newspaper published at the county seat of an affected county.

SEC. 152. Section 24533 of said code is amended to read:

Same

24533. Except as otherwise provided in this division all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

SEC. 153. Section 24534 of said code is amended to read:

Same

24534. Whenever in this division publication is required and there is no newspaper of general circulation published within the district, the publication may be made in a newspaper of general circulation published in any county where the district is situated.

SEC. 154. Section 26243 of said code is amended to read:

26243. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

Bonds: Call and redemption

SEC. 155. Section 26342 of said code is amended to read:

26342. The action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings.

Publication of summons

SEC. 156. Section 26422 of said code is amended to read:

26422. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published in the district pursuant to Section 6061 of the Government Code. The time fixed for the hearing shall be not less than 30 nor more than 60 days from the date of the publication of the ordinance.

Publication Ordinance, notice

SEC. 157. Section 26682 of said code is amended to read:

26682. The ordinance together with a notice fixing the time and place for hearing thereon shall be published in the district pursuant to Section 6061 of the Government Code. A copy of the ordinance shall be filed with the secretary of the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of the publication of the ordinance.

Same

SEC. 158. Section 3356 of the Revenue and Taxation Code is amended to read:

3356. Except as provided in Article 2, the publication shall be made pursuant to Section 6063 of the Government Code 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.

Publication

The cost of publication shall be at no more than the rate fixed by the board of supervisors for other county advertising.

SEC. 160. Section 32372 of said code is amended to read:

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

Notice of intended sale

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 pursuant to Section 6062 of the Government Code 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.

SEC. 161. Section 5232 of the Streets and Highways Code is amended to read:

Resolution re change: Publication

5232. Before ordering any changes made, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the work by reason of said proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why said changes should not be ordered. Said resolution may describe said changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office of the clerk or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code, at least 10 days prior to the date of the hearing.

SEC. 162. Section 5506 of said code is amended to read:

Notice of reassessment

5506. If the reassessment is to be against the lots fronting the improvement, this fact shall be stated in the notice. If the reassessment is to be against the property in a district, then this fact shall be stated in the notice. The notice shall describe the district by:

(a) Stating its exterior boundaries; or

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

(c) Referring to the reassessment diagram.

Such notice shall be published pursuant to Section 6062 of the Government Code.

SEC. 163. Section 8276 of said code is amended to read:

Annexation: Notice and hearing

8276. The board shall fix a time and place for hearing of the matter of annexation and shall direct its clerk to publish a notice pursuant to Section 6066 of the Government Code in any newspaper circulated in the county which the board deems most likely to give notice to the landowners of the territory proposed to be annexed.

SEC. 164. Section 8292 of said code is amended to read:

8292. The resolution shall be published pursuant to Section 6066 of the Government Code in the territory proposed to be annexed or included. The first publication shall be at least 20 days prior to the date of the hearing. Resolution

SEC. 165. Section 10304 of said code is amended to read:

10304. The clerk shall also cause a notice similar in substance to the notice described in Section 10303 to be published in the municipality pursuant to Section 6066 of the Government Code. The notices shall be posted and first published at least 20 days before the date set for hearing of protests. Notice

SEC. 166. Section 10313 of said code is amended to read:

10313. The legislative body may make such changes in the boundaries of the proposed assessment district, the amounts of the assessments, the work proposed to be done, or the acquisitions proposed, as it finds proper or advisable Where the changes result in extending the boundaries of the assessment district, increasing the total amount to be collected, increasing the amount of work to be done or acquisitions to be had, or substituting work or acquisitions in place of those previously provided, such changes shall not be ordered except after notice of the proposed changes published pursuant to Section 6061 of the Government Code in the newspaper in which the notice of local improvement was published. The notice shall describe the proposed changes and specify the time and place of hearing of protests to the proposed changes. The notice shall be published at least 10 days before the day set for the hearing. Boundary changes Publication

SEC. 167. Section 10407 of said code is amended to read:

10407. Within 10 days after the date of the delinquency, the tax collector shall begin the publication of a notice of sale of the property upon which the assessments have not been paid. The publication shall be made in the city pursuant to Section 6066 of the Government Code. Publication Notice of sale

SEC. 168. Section 10501 of said code is amended to read:

10501. Each contract shall be let to the lowest responsible bidder after notice inviting sealed proposals is published pursuant to Section 6066 of the Government Code in a newspaper published in the municipality, and designated by the legislative body for that purpose, or if there is no such newspaper by such posting as the legislative body may provide. The time fixed for the opening of the bids shall not be less than 14 days after the first publication or posting of the notice. Bids

SEC. 169. Section 19168 of said code is amended to read:

19168. If the certifying officer certifies that the petition bears the signatures of owners of taxable property within the district or, if applicable, the proposed zone representing 60 percent or more of the total assessed value of all taxable property therein, the petition shall be filed, and the board of supervisors shall fix a time for hearing the petition and the protests of interested parties, and shall cause a notice of the filing of the petition and the time set for the hearing to be published pursuant to Section 6061 of the Government Code in a news- Petition Filing etc

paper designated by said board as most likely to give notice to the inhabitants of the district and, if applicable, the proposed zone. If there is no such newspaper, copies of the notice shall be posted in three conspicuous places in the territory included in the district or, if applicable, the proposed zone, for three weeks prior to the date fixed for hearing the petition. The notice shall contain the text of said petition, but the names of the signers of the petition need not be published.

If the certifying officer's certificate shows that any petition requesting the establishment of a temporary zone does not bear the required number of signatures, the request for the formation of a temporary zone shall be denied, without prejudice to the filing of a new petition therefor.

In such event, or if the petition does not request the establishment of a temporary zone, and the certifying officer's certificate shows that the petition does not bear the signatures of owners of taxable property representing 60 percent or more of the total assessed valuation of all taxable property within the existing highway lighting district, the petition shall be denied.

SEC. 170. Section 19303 of said code is amended to read:

Same

19303. If the certifying officer certifies that the petition bears the signatures of owners of taxable property within the proposed zone representing 60 percent or more of the total assessed value of all taxable property therein, the petition shall be filed, and the board of supervisors shall fix a time for hearing the petition and the protests of interested parties, and shall cause a notice of the filing of the petition and the time set for the hearing to be published pursuant to Section 6061 of the Government Code in a newspaper designated by said board as most likely to give notice to the inhabitants of the district and the proposed zone. If there is no such newspaper, copies of the notice shall be posted in three conspicuous places in the territory to be annexed, for three weeks prior to the date fixed for hearing the petition. The notice shall contain the text of said petition, but the names of the signers of the petition need not be published. Notice given pursuant to this section is a sufficient compliance with Section 19211.

If the certifying officer's certificate shows that the petition does not bear the required number of signatures, the request for the formation of a temporary zone shall be denied, without prejudice to the filing of a new petition therefor, and the board of supervisors shall proceed to consider and act upon the petition as a petition filed pursuant to Chapter 9 or Chapter 12 of this part, as the case may be.

SEC. 171. Section 27173.5 of said code is amended to read:

Bids Notice

27173.5. Whenever the estimated expenditure is in excess of five thousand dollars ($5,000), the district shall advertise pursuant to Section 6066 of the Government Code for bids for all construction or repair work 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.

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. Emergency repairs

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. 172. Section 31558 of said code is amended to read:

31558. The legislative body shall not decrease, change or otherwise modify the proposed acquisition or improvement except after notice of intention to do so is published by the clerk pursuant to Section 6061 of the Government Code 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. Publication Notice of intention

SEC. 173. 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 a notice inviting bids has been published in the city pursuant to Section 6066 of the Government Code. 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. Bids Notice

SEC. 174. Section 35259 of said code is amended to read:

35259. The resolution shall be published in the city pursuant to Section 6066 of the Government Code. The first publication shall be at least thirty (30) days prior to the date of the hearing. In cities where no newspaper of general circulation is published, the resolution shall be posted in three public places in the proposed district at least thirty (30) days prior to the date of hearing. Publication Resolution

SEC. 175. Section 35270 of said code is amended to read:

35270. The legislative body shall not change any boundaries or acquisitions and improvements, except after notice of intention to do so is published pursuant to Section 6066 of the Government Code in the newspaper in which the resolution of intention was published. The notice shall specify a time for hearing objections to the proposed change, which shall be not less than twenty (20) days after the first publication of the notice. Same Notice of intention

SEC. 176. Section 35402.1 of said code is amended to read:

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, Alternate procedure Bond issue

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 intention to do so by publication pursuant to Section 6066 of the Government Code 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 second 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. 177. Section 35706 of said code is amended to read:

Property for public parking Other uses

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 pursuant to Section 6061 of the Government Code in one or more newspapers circulated in the city at least 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.

SEC. 178. Section 307 of the Unemployment Insurance Code is amended to read:

Effective date of regulation

307. A proposed regulation or the repeal of a regulation shall become effective 10 days after filing with the Secretary of State and publication pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation in this State, unless an appeal is taken to the Appeals Board as provided in this article.

SEC. 179. Section 352 of the Water Code is amended to read:

352. Notice of the time and place of hearing shall be published pursuant to Section 6061 of the Government Code at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located. Publication Notice of hearing

SEC. 181. Section 27192 of said code is amended to read:

27192. Notice of the hearing shall be published pursuant to Section 6063 of the Government Code in each of the districts respectively. In the event that there is no newspaper of general circulation printed and published in a particular district the notice shall be published in a newspaper of general circulation deemed by the board of that district most likely to give notice to the owners of land in that district. The notice shall also be posted in three public places in each district at least 20 days before the hearing. Same

SEC. 182. Section 27257 of said code is amended to read:

27257. Notice of the hearing shall be published pursuant to Section 6063 of the Government Code in the annexed district and in the annexing district. In the event that there is no newspaper of general circulation printed and published in one of the districts, the notice shall be published in a newspaper of general circulation deemed by the board of that district most likely to give notice to the owners of land in that district. The notice shall also be posted in three public places in each district at least 20 days before the hearing. Same

SEC. 183. Section 27265 of said code is amended to read:

27265. The resolution shall be published pursuant to Section 6063 of the Government Code in the annexed district and in the annexing district. In the event there is no newspaper of general circulation printed and published in one of the districts, the notice shall be published in a newspaper of general circulation deemed by the combined boards most likely to give notice to the electors of that district. Sample ballots and polling-place cards shall be mailed to the qualified electors in each district by the secretaries of the respective districts and shall be mailed within the time fixed in the Elections Code Same: Resolution

SEC. 184. Section 32953 of said code is amended to read:

32953. Notice of the time and place of such hearing shall be published in the district pursuant to Section 6066 of the Government Code. Same Notice of hearing

SEC. 185. Section 36406 of said code is amended to read:

36406. Warrants issued under this chapter shall be offered for public sale upon notice inviting sealed bids therefor. Such notice shall be given by publication pursuant to Section 6061 of the Government Code 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 post- Sale of warrants

ing. The board may reject all bids received on public sale and either readvertise or sell the warrants at private sale, but no sale at private sale shall be made for less than the par value of the warrants and accrued interest thereon.

SEC. 186. Section 55133 of said code is amended to read:

Notice

55133. The clerk shall also cause a notice, similar in substance, to be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by the board of supervisors for that purpose.

SEC. 187. Section 55156 of said code is amended to read:

Publication Notice of intention

55156. The board of supervisors shall not modify the boundaries except after notice of such intention is published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the county and designated by the board for that purpose, describing the proposed modification, and specifying a time for hearing objections to the modification, which time shall be at least 10 days after the publication of the notice.

SEC. 188. Section 55184 of said code is amended to read:

Same: Ordinance, etc., calling election

55184. The ordinance or resolution ordering the holding of the election shall, prior to the date set for the election, be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation printed and published in the county and designated by the board of supervisors for that purpose, and shall be posted in three of the most public places in the proposed district at least 10 days prior to the date set for the election. No other notice of the election need be given

SEC. 189. Section 55303 of said code is amended to read:

Hearing of petition

55303. Upon receiving the petition, the board of supervisors shall set it for hearing at a regular meeting and give notice of the time and place of the hearing by causing notices to be posted in three public places in the district at least 30 days before the date of hearing. If there is a newspaper of general circulation printed and published in the district, the board shall publish a copy of the notice pursuant to Section 6066 of the Government Code in such a newspaper.

SEC. 190. Section 55351 of said code is amended to read:

Bids for labor, etc

55351. The district shall advertise in the county pursuant to Section 6061 of the Government Code, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made.

SEC. 191. Section 55585 of said code is amended to read:

Publication Resolution

55585 The resolution shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the county designated by the board for that purpose, the last publication to be at least one week before the date of the election. No other notice of the election need be given.

SEC. 192. Section 55631 of said code is amended to read:

55631. The summons in the proceeding shall be in such form as the court may direct and shall be served by publishing a copy thereof in the county pursuant to Section 6064 of the Government Code. Same Summons

SEC. 193. Section 55656 of said code is amended to read:

55656. Notice of the filing and hearing of the petition shall be given by the clerk of the board by publishing in the county pursuant to Section 6066 of the Government Code a notice containing a copy of the petition, stating when the petition was filed, and specifying the time set for the hearing of the petition and protests of interested parties. Same Notice of filing, etc., of petition

SEC. 194. Section 55663 of said code is amended to read:

55663. The board shall not modify the boundaries except after notice of its intention has been published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the county and designated by the board for that purpose, describing the proposed modification, and specifying a time for hearing objections to the modification, which time shall be at least 10 days after the publication of the notice. Same Notice of intention

SEC. 195. Section 55672 of said code is amended to read:

55672. The election shall be called by posting in three of the most public places in the proposed zone, and by publishing in the county pursuant to Section 6066 of the Government Code, a notice specifying the time, place and purposes of the election, and giving the purposes and boundaries of the proposed zone. Notice of election

SEC. 196. Section 55821 of said code is amended to read:

55821. Notice of the filing of the petition shall be given by the clerk of the board by publishing in the county pursuant to Section 6066 of the Government Code a notice that the petition has been filed, giving the time set for the hearing, and that the petition, together with all written protests filed with the clerk prior to the time set for the hearing, will be heard and passed upon at that time, and that all persons interested may then appear and be heard. Notice Filing of petition

SEC. 197. Section 55845 of said code is amended to read:

55845. The resolution or ordinance ordering the holding of the election shall, prior to the date set for the election, be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation, printed and published in the county and designated by the board for that purpose. No other notice of election need be given. Publication of resolution, etc

SEC. 198. Section 55880.5 of said code is amended to read:

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 pro- Notice of intention to circulate petition

posed to be included. The clerk shall cause the notice to be published pursuant to Section 6066 of the Government Code 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.

SEC. 199. Section 55911 of said code is amended to read:

Hearing on petition

55911. Upon receiving a petition signed by 50 or more freeholders and residents of the district, requesting the dissolution of the district, the board shall fix a time for hearing the petition, which shall be not less than 10 nor more than 30 days after the receipt of the petition, and shall, at least five days prior to the time fixed, publish notice of the hearing pursuant to Section 6061 of the Government Code in the county.

SEC. 200. Section 55961 of said code is amended to read:

Notice of hearing

55961. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper or newspapers, circulated in each of the districts proposed to be consolidated, and designated by the board as most likely to give notice to the inhabitants of the districts, and shall be posted in at least three public places within each of the districts, at least one week prior to the hearing.

SEC. 201. Section 56015 of said code is amended to read:

Publication Resolution

56015. Prior to the time of hearing, the resolution shall be published at length in the proposed district pursuant to Section 6066 of the Government Code. Brief notices of the passage of the resolution and the time and place of the hearing may be published in the proposed district pursuant to Section 6066 of the Government Code.

SEC. 202. Section 56018 of said code is amended to read:

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 published in the proposed district pursuant to Section 6061 of the Government Code. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

SEC. 203. Section 56053 of said code is amended to read:

Notice of hearing

56053. Notice of the hearing shall be published by the district board pursuant to Section 6066 of the Government Code in a newspaper circulated in the district. 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.

SEC. 204. Section 56058 of said code is amended to read:

Notice calling for bids

56058. The notice shall be published pursuant to Section 6066 of the Government Code 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.

SEC. 205 Section 56075 of said code is amended to read:

Publication Resolution

56075. The resolution calling the election shall be published pursuant to Section 6063 of the Government Code 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.

SEC. 206 Section 56082 of said code is amended to read:

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 pursuant to Section 6061 of the Government Code 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.

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.

SEC. 207. Section 60098 of said code is amended to read:

Publication 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 within each affected county pursuant to Section 6066 of the Government Code.

SEC. 208. Section 60100 of said code is amended to read:

Hearing re 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 pursuant to Section 6066 of the Government Code in 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.

SEC. 209. Section 60111 of said code is amended to read:

Call of election

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. The notice of election shall be published in each affected county pursuant to Section 6061 of the Government Code. Publication shall be complete at least seven, but not more than 28, days prior to the date of election.

SEC. 210. Section 60275 of said code is amended to read:

Publication of notice

60275. The notice shall be published in such district pursuant to Section 6066 of the Government Code in a newspaper or newspapers 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 in each affected county. Publication or posting shall be complete at least 14, but not more than 28, days prior to the date of the election.

SEC. 211. Section 60306 of said code is amended to read:

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 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. The notice shall be published in each affected county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date.

SEC. 212. Section 60342 of said code is amended to read:

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 published in the district pursuant to Section 6066 of the Government Code, such publication to be completed not less than two months prior to the date so extended. Extension of time

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. Exemptions

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. Penalties

SEC. 213. Section 60373 of said code is amended to read:

60373. The text of such petition and a notice stating the time of the meeting at which the same will be presented shall be published in the affected county pursuant to Section 6066 of the Government Code. 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 the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. Publication shall be complete at least seven, but not more than 28, days before the time at which the petition is to be presented to the board. Publication Petition and notice

SEC. 214. Section 60383 of said code is amended to read:

60383. Notice of such election shall be published in the affected county pursuant to Section 6063 of the Government Code. Publication shall be complete at least seven, but not more than 28, days 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 Notice of election

SEC. 215. Section 60408 of said code is amended to read:

Same Petition and notice

60408. The text of such petition and a notice stating the time of the meeting at which the same will be presented shall be published in the district pursuant to Section 6066 of the Government Code. 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 the petition need appear in such publication of the petition and notice, but the number of signers shall be stated. Publication shall be complete at least seven, but not more than 28, days before the time at which the petition is to be presented to the board.

SEC. 216. Section 60410 of said code is amended to read:

Resolution for 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

Publication

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 in the district pursuant to Section 6066 of the Government Code. Publication shall be complete at least seven, but not more than 28, days before the time so fixed for the hearing.

SEC. 217. Section 60414 of said code is amended to read:

Publication Notice of election

60414. Notice of such election shall be published in the district pursuant to Section 6063 of the Government Code. Publication shall be complete at least seven, but not more than 28, days 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:

"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.

SEC. 218 Section 60435 of said code is amended to read:

Same

60435. Said notice of election shall be published pursuant to Section 6063 of the Government Code in a newspaper published in said district and determined by said board most

likely to give notice to those interested in said hearing. Publication shall be complete at least seven, but not more than 28, days prior to the date fixed for the election The 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."

SEC. 219. Section 9 of an act entitled "An act to promote drainage," approved March 18, 1885 (Chapter 158 of the Statutes of 1885) is amended to read:

Sec. 9. If such district is in more than one county, the total estimate provided for in Section 8 hereof shall be divided by the board of trustees in proportion to the value of real property within the district in each county, as shown by the assessment-rolls of the respective counties equalized in the year in which the estimate is made, but if the board of trustees shall find that the assessed valuation of real property in the various counties in which parts of the district are situated is on a different basis as compared with the actual value thereof, so that a division of the estimate as above provided would be inequitable, then the board of trustees shall determine by resolution the amount of said estimate which should be levied on the lands within the district in each county in order that substantially the same proportion of the estimate shall be paid by owners of real property of the same actual value in each county, and shall fix a time for a public hearing on said matter at the office of the district, or at some other convenient place, which time shall be not less than 15 days nor more than 21 days from the date of the adoption of said resolution, and shall give notice of said hearing by publication pursuant to Section 6061 of the Government Code in each county in which any part of the district is situated. Said notice shall state the determination of the board as to the division of said estimate and the time and place for the hearing thereon, and shall notify all persons interested that objections to said division of said estimate may be made at said hearing. The board of trustees shall meet at the time and place fixed for said hearing and shall hear all objections to said division of said estimate and any evidence offered in support of said objections and any evidence offered in support of said division. After the hearing of all evidence, if any, offered in regard to said matter, the board of trustees shall, if any objection to said division has been made, make an order reaffirming or modifying said division of said estimate as may be just, but if no objection to said division is made at said hearing, no change shall be made therein. When such division of such estimate has been finally made, the board of trustees shall furnish the board of supervisors and the auditor of each county in which any part of the district is situated a written statement of that part of said estimate apportioned to that county.

SEC. 220. Section 27 of the Drainage District Act of 1903 is amended to read:

Sec. 27. For the purpose of constructing necessary conduits, drains, sluices, water gates, embankments and all works necessary for the purpose of drainage, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures as herein authorized therefrom, and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board shall immediately call a special election, at which shall be submitted to the electors of such district the question whether or not the proposed work shall be undertaken and whether bonds of said district shall be issued in the amount so determined, or the works financed by annual assessments. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least 20 days, and also by publication of such notice pursuant to Section 6063 of the Government Code in some newspaper published in the county where the office of the board of directors of such district is required to be kept. Such notices must specify the time of holding the election, the nature of the work proposed, the amount of bonds proposed to be issued or the total amount of assessments to be levied each year and the number of years in which such assessments shall be levied; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Shall the proposed project of the _____ Drainage District to (brief description of work proposed) be undertaken?" "_____ Yes-No," or words equivalent thereto. Following this question shall be printed the statement "Vote for One," succeeded by "The project shall be financed by bonds," and "The project shall be financed by annual assessments on lands in the district," or words equivalent thereto.

SEC. 221. Section 8 of the Storm Water District Act of 1909 is amended to read:

Sec. 8. Each storm water district shall have power to sue and be sued. The trustees thereof shall have power in the name and in behalf of the district to purchase, receive by donation or acquire by condemnation any rights of way or other real or personal property necessary to carry out the purposes for which the district was formed, and for that purpose all the provisions of the Code of Civil Procedure relating to eminent domain are hereby made applicable to proceedings

by such district to condemn property. The said board of trustees shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan, or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, requisite or necessary to carry out the purposes of the district; and to do any and all other acts and things necessary or required for the protection of the lands in said district from damage from storm waters and from waters of any innavigable stream, watercourse, canyon or wash; or for the spreading, conserving, storing, retaining or causing to percolate into the soil within such district any or all of such waters; and to employ the services of any person, legal or otherwise, which in the judgment of said board of trustees may be necessary to carry out said purposes. All work of construction, repair, or maintenance, the cost whereof exceeds one thousand five hundred dollars ($1,500), shall be done by contract; and all contracts shall be let by the board to the lowest responsible bidder, who will give bond for the faithful performance thereof satisfactory to the board, after advertisement for bids published by their clerk pursuant to Section 6062 of the Government Code in some newspaper of general circulation, designated by the board and published in the county in which the district or some part thereof is situated, specifying the time and place for the opening of bids, and the particular work to be bid for; provided, however, that the board may reject all bids and readvertise, and may by unanimous action in cases of great emergency, the nature of which shall be entered on their minutes, proceed at once to replace or repair any of the works or improvements of the district without advertisement.

SEC. 222. Section 17 of said act is amended to read:

Sec. 17 Within one month after the filing of such certified copy of said report, assessment, plat and order with the tax collector, and the entry of the same upon the county assessment roll, said tax collector shall give notice by publication pursuant to Section 6062 of the Government Code in a newspaper of general circulation published in said district, or if there is none, in a newspaper of general circulation published in his county, that the assessment roll of _____ storm water district of ___ ____ county, has been filed in his office, and entered upon the county assessment roll, with the date of such entry; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday in January next ensuing, the same will become delinquent and will be collected in the same manner as delinquent taxes If the first Monday in January next ensuing is less than three months from the date of filing the assessment roll with the tax collector, the date, to be stated in the notice, shall be three months after such entry upon the county assessment roll. The tax collector shall note on the county

assessment roll all assessments paid, with the dates of payment, giving receipts as in the case of payments of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as money collected for taxes paid into such treasury. All collections of subsequent installments of the assessment shall be made in the same manner as above set forth, and the tax collector shall annually (after the first year), immediately after the first Monday of October give notice that the (giving the number) annual installment of the assessments of said district is now due and payable, and that if not paid on or before the first Monday of January next ensuing, the same will become delinquent and will be collected in the same manner as delinquent taxes; and the same proceedings shall be had thereon as upon the collection of the first assessment Such notice shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the district, if there is one published in the district, or, if none, in a newspaper of general circulation published in each county in which any part of the district is situated If said district is situated in two or more different counties, all moneys collected on account of such assessment shall be paid into the treasury of the county in which said district was organized.

SEC. 223. Section 2.5 of the Municipal Water District Act of 1911 is amended to read:

Sec 2.5. (a) The proponents of the formation of a municipal water district, who shall be voters residing within the boundaries of the proposed district, may declare their intention to circulate a petition for the formation of such proposed district. Such declaration of intention shall be addressed to the board of supervisors of the county, shall set forth and describe the boundaries of the proposed district, and shall be signed by not less than one hundred (100) proponents, who shall affix opposite their respective signatures their respective residences and dates of signing If any city be included within the boundaries of the proposed district as set forth and described in such declaration, the entire corporate area of such city as such corporate area exists at the time of making such declaration of intention shall be included therein, together with all areas for which proceedings for annexation to such city shall have been commenced by valid petition filed with the governing body of such city prior to the making and filing of such declaration of intention. If, prior to the making and filing of such declaration of intention, a valid petition shall have been filed with the governing body of any city, seeking annexation to such city of any territory included within the boundaries of the proposed municipal water district, the entire corporate area of such city as such corporate area exists at the time of making such declaration of intention shall be included within such proposed district, together with all areas for which proceedings for annexation to such city shall have been so commenced by such filing of a valid petition therefor. If, prior to the making and filing

of such declaration of intention, a valid petition shall have been filed with the board of supervisors of the county, seeking the incorporation of a new city the proposed boundaries of which shall include any territory included within the boundaries of the proposed municipal water district, the entire area of such proposed city shall be included within such proposed district. The declaration of intention shall be filed with the county clerk not later than ten (10) days following the date upon which the last signature was affixed thereto. If such declaration of intention be made and filed in the manner and within the time herein prescribed, and if the proceedings for formation of such district be commenced and prosecuted in the manner and within the time herein provided, the inclusion within the boundaries of the proposed district of territory formed into a new city or annexed to an existing city pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such declaration of intention, shall not prevent or invalidate the formation of the proposed district even though such territory, or portion thereof, shall be included within such municipal water district without including therein the remainder of the corporate area of such city. If such declaration of intention be so made and filed, and if such formation proceedings be so commenced and prosecuted, the inclusion within the boundaries of the proposed district of any city to which territory shall be annexed pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such declaration of intention, shall not prevent or invalidate the formation of the proposed district even though the corporate area of such city as such corporate area existed at the time of making such declaration of intention shall be included within such municipal water district without including therein the territory annexed to such city pursuant to such proceedings.

(b) Within ten (10) days of the date of the filing of such declaration of intention, the county clerk shall examine the same and ascertain whether or not said declaration was signed by the requisite number of proponents who are voters residing within the boundaries of the proposed district. When the county clerk has completed his examination he shall attach to the declaration his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said declaration is signed by the requisite number of proponents who are voters residing within the boundaries of such proposed district, or that such declaration is not so signed, the county clerk shall certify that the declaration is sufficient or insufficient, as the case may be. If his certificate shall show such declaration to be insufficient, it shall be filed by him and kept as a public record, without prejudice to the filing of a new declaration to the same effect. But if, by the certificate of the county clerk, such declaration is shown to be sufficient, the county clerk shall publish the text of such declaration in such county pursuant to Section 6061 of the Govern-

ment Code, together with a notice stating that such declaration has been filed in his office and the date of such filing. Not more than five of the names attached to such declaration need appear in such publication, but the number of signers shall be stated

(c) If, subsequent to the making and filing of the declaration of intention in the manner provided in paragraph (a) of this Section 2.5 but prior to circulating the petition for formation of the proposed district, a valid petition shall have been filed with, or a resolution shall have been adopted by, the governing body of a city, the corporate area of which shall be included in a metropolitan water district, organized under the Metropolitan Water District Act of this State, in a manner which would result in automatic annexation to such metropolitan water district of territory annexed to such city, and such petition or resolution shall initiate formal proceedings for the annexation to such city of territory within such proposed municipal water district, the proponents so declaring their intention to form a municipal water district may omit from the area of the proposed municipal water district described in the petition for formation of such district, all territory which had been or would be annexed automatically to such metropolitan water district upon successful completion of such proceedings for annexation to such city; provided, that in the event any such territory be so omitted, no part of such city shall be included within the proposed municipal water district.

(d) Circulation of a petition for formation of such municipal water district shall be commenced by the proponents within thirty (30) days from the date of filing the declaration of intention with the county clerk and such circulation shall be completed and the petition shall be filed with the county clerk within ninety (90) days from the date of filing such declaration of intention. The proceedings for the formation of such proposed municipal water district, in all particulars not otherwise expressly provided in this Section 2.5, shall be conducted in the manner provided in Section 3 of this act. Except as otherwise authorized in this Section 2.5, the boundaries of the proposed municipal water district shall be described in the petition for formation in the manner in which such boundaries are described in the declaration of intention and shall include the same area.

(e) If, prior to the effective date of the formation of such proposed municipal water district, any territory included therein shall have been annexed to a metropolitan water district organized under the Metropolitan Water District Act of this State, such territory may be excluded from such municipal water district upon compliance with the following provisions of this paragraph (e), to wit:

(1) The governing body of such municipal water district, within ninety (90) days after the effective date of the formation of such district, may adopt an ordinance which, after reciting that such territory has been annexed to such metro-

politan water district by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date and place of filing of the certificate or certificates evidencing such annexation, shall describe said territory and shall determine and declare that the said territory shall be, and thereby is, excluded from such municipal water district. Such ordinance shall be effective immediately upon adoption.

(2) The governing body, or clerk thereof, of such municipal water district shall file a certified copy of such ordinance with the Secretary of State of the State of California Upon receipt of the certified copy of said ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said municipal water district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate the area described therein shall be deemed excluded from, and shall no longer form a part of, said municipal water district, but the taxable property within such excluded area shall remain subject to any taxes theretofore levied by such municipal water district and shall continue taxable by such municipal water district for the purpose of paying the bonded or other indebtedness of such municipal water district, if any, 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.

(f) Notwithstanding any provision contained in this Section 2.5, a municipal water district may be formed, in the manner provided in Section 3 of this act, without the filing by the proponents thereof of a declaration of intention to form such proposed district. If such prior declaration of intention be not made and filed, and if any city be included within the boundaries of the proposed district as set forth and described in the petition for formation of such district, the entire corporate area of such city as such corporate area exists at the time of filing such petition for formation shall be included therein, together with all areas for which proceedings for annexation to such city shall have been commenced by valid petition filed with the governing body of such city prior to the filing of such petition for formation of the proposed district. If such prior declaration of intention be not made and filed, and if prior to the filing of the petition for formation of the proposed district a valid petition shall have been filed with the governing body of any city seeking annexation to such city of any territory included within the boundaries of the proposed municipal water district, the entire corporate area of such city as such corporate area exists at the time of filing such petition for formation shall be included within such proposed district, together with all areas for which proceedings for annexation to such city shall have

been so commenced by such filing of a valid petition therefor. If such prior declaration of intention be not made and filed, and if prior to the filing of the petition for formation of the proposed district a valid petition shall have been filed with the board of supervisors of the county seeking the incorporation of a new city the proposed boundaries of which shall include any territory included within the boundaries of the proposed municipal water district, the entire area of such proposed city shall be included within such proposed district. If such prior declaration of intention be not made and filed, the inclusion within the boundaries of the proposed district of territory formed into a new city or annexed to an existing city pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such petition for formation of such municipal water district, shall not prevent or invalidate the formation of the proposed district even though such territory, or portion thereof, shall be included within such municipal water district without including therein the remainder of the corporate area of such city. If such prior declaration of intention be not made and filed, the inclusion within the boundaries of the proposed district of any city to which territory shall be annexed pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such petition for formation of such municipal water district, shall not prevent or invalidate the formation of the proposed district even though the corporate area of such city as such corporate area existed at the time of filing such petition for formation shall be included within such municipal water district without including therein the territory annexed to such city pursuant to such proceedings.

SEC. 224. Section 12 of said act is amended to read:

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

1. To have perpetual succession;

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

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

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district;

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;

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;

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;

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;

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;

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;

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;

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;

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the 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;

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;

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;

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.

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.

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. 225. Section 15 of said act is amended to read:

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 pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such 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. 226. Section 16 of said act is amended to read:

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 pursuant to Section 6066 of the Government Code 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 publication pursuant to Section 6061 of the Government Code 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 pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in 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. 227. Section 16.1 of said act is amended to read:

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 pursuant to Section 6066 of the Government Code prior to the time at

which the same is to be presented to the board of directors of the 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 annexa-

tion shall be held to be valid and in every respect legal and incontestable.

SEC. 228. Section 6 of the Los Angeles County Flood Control Act is amended to read:

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall not be less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed 6 per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and shall appoint election boards, the composition of which shall correspond with the boards appointed in general elections in Los Angeles County. Any election called pursuant to this section may be consolidated with any other election, pursuant to the provisions of Chapter 4, of Part 2, of Division 11 of the Elections Code if the ordinance calling the election authorizes the consolidation. If the election called pursuant to this section is consolidated with any election, the notice thereof need not set forth the precincts, place, or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place, or places of holding the election, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution, or notice calling, providing for, or giving notice of such other election and except where consolidation is with a state primary or a state general election, reference shall be made to such ordinance, resolution or notice, by number and title, or date of adoption, or by date or proposed date of publication and the name of the newspaper in

which the publication has been or will be made, or by any other definite description.

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

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least 30 days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 229. Section 4.3 of the Drainage District Improvement Act of 1919 is amended to read:

Sec 4.3. Upon filing of the report as provided in Section 4.2, the board of supervisors shall fix a time and place for the hearing on the report and shall order the clerk to give notice of said hearing by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the county. He shall forthwith give such notice pursuant to said order. Said notice shall (a) state the name and nature of the district, (b) state the title of law under which the district is being formed, (c) state the filing of the preliminary report of the engineer of construction, (d) state that the report may be inspected in the clerk's office, (e) designate the proposed district boundaries, (f) state the time and place for the hearing, (g) state that at the hearing protests will be considered by the board of supervisors.

SEC. 230. Section 6 of the Water Conservation Act of 1927 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 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 40 days from the date of the order calling the election.

Notice. Such election shall be called by publication of notice thereof pursuant to Section 6063 of the Government Code in a newspaper in each of the counties in which the district is situate, if there be one, 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. 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.

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.

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. 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.

SEC. 231. Section 35 5 of said act is amended to read:

Sec. 35.5. Cooperation. A. Contracts pursuant to the powers and for the purposes set forth in Section 2, subdivision E of this act, shall be made as in this section provided, and not otherwise, except that pursuant to the general powers of the district the board of directors by a majority vote may enter into any contracts which do not require the levy of the special assessment provided for in this section, and the provisions of this section shall not apply to any such contracts

B. The board of directors must call a special election and submit to the qualified voters of the district the question of whether or not a proposal to enter into any contract pursuant to Section 2, subsection E of this act requiring the levy of special assessments on lands within the district, in addition to any other district tax or assessment, for the purpose of raising money required under any such contract, shall be authorized. Notice of such election shall be given, and the same shall be held, and the result thereof determined and declared, in conformity with the provisions of this act governing the biennial elections of directors, insofar as applicable. The notice must specify the maximum amount of money required under the

proposed contract and state, generally, the nature and terms of the proposed contract. At such election the ballots shall contain the words "Contract—Yes" and "Contract—No." If the votes cast as "Contract—Yes" constitute a majority of the total number of votes eligible to be cast at such election, then, but not otherwise, the board shall proceed with such other and further steps as may be required to enter into, validate, perform and carry out said contract, including the levy and collection of special assessments for the purpose, as provided in subdivision C of this Section 35.5 of this act.

C. Notwithstanding any provision of this act or other law, when any district has contracted pursuant to this act or any other law for the purposes set forth in this act, if the revenue of the district from water tolls or charges are, or in the judgment of the board are likely to be, inadequate to pay all charges payable under the contract, then any tax or special assessment levied for the payment of any such contract charges shall be levied only upon land within the district, exclusive of improvements and personal property. When collected, the moneys shall be paid into the district treasury for the purpose set forth in the notice at such special election. If the money raised by any such assessment shall exceed the amount necessary to be expended under the contract, the excess shall be held in a special fund of the district and shall be used for fulfilling the obligations of the district under such contract in the next succeeding year. Except as in this Section 35.5 provided, such special tax or assessment shall be assessed, levied, collected, and disbursed in conformity with the provisions of this act relating to the annual general tax as set forth in Sections 30 to 34, inclusive, of this act.

D. Any person having an interest in land within the district claiming that such land will not be benefited under any contract for which a special assessment is required under the terms of this Section 35.5 may file with the secretary a verified petition alleging all of the following:

(1) That his land, or a described portion of it, is not and will not be benefited by the operations of the district in a manner that would justify his taxation at the special contract rate of taxation.

(2) That said land is entitled to a reduced rate of taxation.

Such petition shall request that the board determine what percentage of the special contract rate of taxation of the district should be used in levying such special contract tax on the land described in the petition. No such petition may be filed or considered with reference to the annual general assessment of the district provided for in Section 30 of this act.

The petitioner shall pay all cost of publication of the notice and other expenses of the hearing, and such hearing shall be reported and transcribed by a phonographic reporter, and such transcript shall be filed with the board. If more than one petition shall be heard at the same time or upon the same

notice, the cost and expenses of such hearing shall be equitably divided among all petitioners in such manner as may be determined by the board.

The board shall set a time and place for the hearing of the petition, or of all the petitions if more than one has been filed, and shall give notice of such hearing by publication pursuant to Section 6066 of the Government Code in a newspaper published in the county where the office of the district is situated, the first publication shall be at least 14 days before the date of such hearing. Such notice shall state all of the following:

(1) Petitions have been presented to the board praying for a determination that certain land, which need not be described in the notice, is entitled to a reduced rate of taxation.

(2) The names of the petitioners.

(3) The time and place set for the hearing.

The board shall meet at the time and place set for the hearing and proceed in the order it deems proper to hear the petitions, and shall hear all competent and relevant evidence offered in support of any petition or in opposition to it, and may adjourn the hearing from time to time.

After the conclusion of the hearing, if the board finds that any of the land described in any petition is not and will not be benefited by the operations of the district in a manner that would justify its taxation at the special contract rate of taxation, the board shall reduce the rate of taxation on the land in a resolution entered in full upon its minutes.

The resolution shall:

(1) Describe the land entitled to a reduced rate of taxation, or the respective parcels of it if separate parcels are to be assessed.

(2) Fix the percentage of the special contract rate of taxation which shall be applied in levying such taxes on the land described, or on each parcel of it if various parcels are found to be entitled to different reduced rates, in order that such taxes to be levied on such land will be proportionate with the benefits which it receives or will receive from the contract for which such special assessments are levied; and if any such parcel receives and will receive no such benefits, fix such percentage at zero.

A certified copy of the resolution determining that any land is entitled to a reduced rate of taxation shall be delivered to the assessor, and thereafter until notified of a change in the determination, he shall enter the land described in the resolution separately on the assessment roll and so designate it and the percentage of the special contract rate of taxation to which it is entitled so that it may readily be distinguished from other land not entitled to a reduced rate.

After a copy of the resolution is delivered to the assessor, the officer charged with the duty of entering on the assessment roll the amount of district taxes on the land shall in making the entry observe and conform to the resolution.

If the board determines that any of the land described in any petition is not entitled to any reduced rate of taxation, such determination shall be entered in full upon its minutes.

The determination of the board granting or denying a reduced rate of taxation as to any land after a hearing pursuant to this article shall not be changed by the board unless the board, on petition by a party affected, consents to another hearing, or on its own motion causes notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as provided in this subsection E; provided, however, that any person aggrieved by the determination of the board granting or denying a reduced rate of taxation may commence, at any time within 30 days after the entry of such determination on the minutes of the board, a proceeding in the superior court of the county in which the principal office of the district is located to have such determination corrected, modified or annulled.

SEC. 232. Section 36 of the Water Conservation Act of 1931 is amended to read:

Sec. 36. The district may incur a bonded indebtedness for any purpose for which the board of directors is authorized to expend the funds of the district in the manner in this act set forth, including any works, property or rights, contract or otherwise, acquired under or pursuant to the provisions of Sections 20, 20.5, 20.6, and 20 7 of this act, or the refunding of any obligations incurred pursuant to said sections of this act.

The board of directors, whenever the interest of the district shall require, may cause a report to be made to the effect that the acquisition of certain property or works or the construction of such works is convenient or necessary to serve or fulfill the purpose for which the district exists and that the cost of such property or works cannot be paid for out of the annual revenue of the district. Such report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. Such report shall be printed in convenient form for distribution to the electors of the district.

After the printing of said report the board of directors by resolution adopted by a majority of the members of the board may call an election to be held in the district for the purpose of authorizing the incurring of a bonded indebtedness by the district. Such resolution shall specify the purpose for which the indebtedness is to be incurred, the amount of bonds which it is proposed shall be issued, the maximum rate of interest such bonds shall bear, and the number of years, not exceeding 40, the whole or any part of said bonds are to run until maturity. It shall further provide for submitting the question of the incurring of such indebtedness to the qualified electors of the district at an election called for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and

"Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several propositions may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at such election.

A notice shall be given of such election by publication pursuant to Section 6062 of the Government Code in a newspaper of general circulation published in the district and the first publication shall be at least 30 days prior to the date fixed for the election.

Such notice shall state the time and place for holding the election, the names or numbers of election precincts, which may be the general election precincts established by the boards of supervisors for general state or county elections, or a consolidation of such precincts, or such other special precincts for the purpose of such bond election as the board of directors of such water conservation district may designate and establish, the location of the polling places and the names of the election officers appointed to conduct such election. Such notice shall also state the amount of the debt that it is proposed to incur, a brief statement of the purpose thereof and refer to the report hereinbefore provided to be made for further particulars, the number of years the bonds or any part thereof are to run before the maturity thereof and the maximum rate of interest such bonds shall bear.

The manner of holding and conducting such election, the selection of officers to conduct the same, the designation of precincts and polling places, the preparation of ballots and the receipt, counting and return of the same, and the canvassing and determining the results thereof shall be as provided for the election of directors as provided in this act as nearly as practicable, and in particulars not so provided shall be in accordance with the general laws of the State relative to elections whereat propositions are submitted and voted upon. In the event that such election has been fairly held and conducted, no informality nor omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

If two-thirds of the votes cast upon the proposition shall have been marked and counted "Bonds—Yes" or appear to favor the proposition submitted, then such proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded debt and the issuance of bonds therefor to the amount of and for the purpose stated in the proposition.

Thereafter the board of directors of the district may issue the 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 therefor shall appear, until the full amount of such bonds authorized shall have been issued. Each separate issue shall be given a serial number or letter.

The board of directors shall, by a resolution adopted by a majority of its members, 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 may be deferred for a period not longer than five years from the date of the bond. The bonds shall bear interest at a rate not exceeding 6 per centum per annum, payable semiannually. The board of directors may also provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100) nor more 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 county or such other place as may be designated or at either place at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president of the district and attested by the secretary with the official seal of the district. The interest coupons shall bear the actual or facsimile signature of the president of the district.

The bonds as the same shall be issued may be sold at such times and in such amounts as the board of directors shall deem expedient, after a notice inviting bids therefor shall have been published in the district pursuant to Section 6062 of the Government Code. A certified check payable to the district for at least 5 percent of the amount of the bonds offered shall accompany each bid conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount thereof paid into the treasury. In case no bids are received the bonds offered may be sold 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 fund and expended only for the purpose for which the indebtedness was created.

It shall be the duty of the board of supervisors of the county or counties within which the district is situated to provide for the levy and collection of an assessment tax as in this act provided sufficient and in season to pay the interest on the bonds of the district as the same becomes due and also to pay such part of the principal of the bonds as shall become due before the proceeds of an assessment tax levied at the time for making the next general tax levy can be made available for the payment of such principal. Such assessment tax shall be levied upon the land or the real property in the district, as the case may be, and shall be levied at the time of levying county taxes and shall be in addition to all other taxes levied for district purposes, and when collected shall be paid into the bond fund

of the district and shall be used only for the payment of principal and interest of the bonds of the district and for no other purpose until such principal and interest have been fully paid.

At any time the board of directors may apply to the commission authorized by law to approve bonds of irrigation and other districts for certification as legal investments for savings banks or for other purposes specified in the act creating such commission and when such certification shall have been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

SEC. 233. Section 36.2 of said act is amended to read:

Sec. 36 2. In the event that the board of directors determine, by resolution, that it would be inequitable to secure all or any portion of the money necessary for any project of the district (including obligations of the district arising from contracts with local, state or federal agencies, bureaus or authorities for the furnishing of a water supply to the district, or the construction of works for the district, where the actual construction is undertaken and financed in the first instance by such agency, bureau or authority, subject to later repayment in whole or in part by the district), through the levy of assessments on land or real property in accordance with the assessed value thereof, the board shall cause to be prepared any necessary plans and specifications of the project, and estimates of the repayment obligations of the district, together with an assessment of the amount of the cost, or portion thereof as determined by the board, apportioned to the various tracts of land in the district according to the benefits that will accrue to each such tract by reason of the expenditures of the money for the project, or for the repayment obligations of a contract, payable in not to exceed 40 annual installments with interest at an annual rate not to exceed 7 percent. The board of directors constitute a board of commissioners to levy and apportion the assessment. The resolution, plans, specifications, estimate, and proposed assessment shall be filed in the district office and shall be subject to public inspection.

The resolution shall also designate that portion of the cost of the project, if any, that the board determines can be secured equitably by means of an assessment on all lands in the district, or if so determined by the board, on all real property within the district, in accordance with the assessed value of the land (or real property) as it appears on the county assessment roll, payable in not to exceed 40 annual installments at an annual rate not to exceed 7 percent.

In lieu of securing such portion of the cost through a separate assessment levied on the land (or real property) the board may elect to pay such portion of the cost from funds secured for general purposes by assessments levied on all of the land within the district pursuant to the provisions of Section 28 and subject to the limitations contained therein. If the board so elects, it shall so state in the resolution and the

amount of money to be so paid shall not be considered by the electors in the election provided in this section.

After the filing of the resolution, plans, specifications, estimate, and proposed assessments, the board of directors shall hold a hearing upon the matter, notice of which shall, not later than three weeks prior to the date of the hearing, be posted in three public places within the district and published in the district pursuant to Section 6062 of the Government Code. The first publication shall be at least 30 days prior to the date fixed for the hearing.

At the hearing the board shall hear such objections to the resolution, plans, specifications, estimates, and proposed assessments and apportionment thereof as may come before it and at such hearing shall make such changes in reference thereto as it considers proper.

If (a) more than 40 percent in number of the holders of title or evidence of title to land within the boundaries of all cities within the district, or if (b) more than 40 percent in number of the holders of title or evidence of title to land within the unincorporated areas of the district, shall object, at the hearing, to the levy of the proposed assessment, the board shall take no further action on the matter.

If no sufficient objections are presented to the board it shall call an election to be held in the district for the purpose of authorizing the assessment. It shall provide for the submitting of the question of levying the assessment to the qualified electors of the district at an election called for that purpose and the words to appear upon the ballot shall be: "Project assessment—Yes" and "Project assessment—No" or words of similar import, together with a general statement of the amount and purpose of the assessment to be levied Several purposes may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at the election.

Notice of the election shall be posted and published and the election shall be conducted, insofar as practicable, in accordance with the provisions of Section 36.

If a majority of the votes cast by the qualified electors in cities and a majority of the votes cast by the qualified electors residing in unincorporated areas for the proposition shall have been marked and counted "Project assessment—Yes" or appear to favor the proposition submitted, then the proposition shall be deemed to have been accepted by the voters and to authorize the levy of the assessment to the amount of and for the purpose stated in the proposition.

The project assessment, or any installment thereof, shall be and remain a lien on the lands in the same manner as, and be a part of, the annual assessment of the district.

The district shall issue warrants for the amount of the project assessment, which warrants shall be made payable in the amount and at times corresponding substantially to the payments of the installments of the project assessments, plus any money to be paid from funds secured by assessments for gen-

eral district purposes as herein provided, and which bear interest at such rate of interest as may have been fixed in the levy of the project assessment. Said warrants shall be payable only out of funds derived from the levy and collection of the project assessments and, if so stated in the resolution proposing the project, from the assessments made for general district purposes under the provisions of Section 28 of this act.

The proceeds arising from the sale of the warrants shall be paid into the treasury of the district and placed to the credit of a special project fund and expended only for the purpose for which the indebtedness was created.

SEC. 234. Section 13 of the Orange County Water District Act is amended to read:

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 pursuant to Section 6066 of the Government Code 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. 235. Section 14 of said act is amended to read:

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 con-

sisting 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 pursuant to Section 6063 of the Government Code 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. 236 Section 16 of said act is amended to read:

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 pursuant to Section 6066 of the Government Code 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. 237. Section 26 of said act is amended to read:

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 pursuant to Section 6061 of the Government Code a notice of the receipt of such report and of the public hearing to be held on the second 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.

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 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. 238. Section 27 of said act is amended to read:

Sec. 27. If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past 10 water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents ($5 50) per acre-foot of water produced except upon the vote of eight directors of said district.

On the second Wednesday in June of each year, at the hour of 2 p.m. at the offices of said district, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed 10 percent for delinquencies. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district.

Clerical errors occurring or appearing in the name of any person or in the description of the water producing facility where the production of water therefrom is otherwise properly

assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

SEC. 239. Section 35 of said act is amended to read:

Sec. 35. It shall be unlawful to produce water from any water producing facility within the boundaries of the Orange County Water District from and after March 31, 1956, unless such water producing facility has been registered with said district and has a water measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

The board of directors by resolution may extend the date from March 31, 1956, on a year to year basis upon its determination that availability, price of water measuring devices, or other circumstances justify such extension; provided further, however, that no extension may be made beyond March 31, 1960. Should said date be extended, notice thereof shall be published in the district pursuant to Section 6066 of the Government Code. Publication shall be completed not less than two months prior to said date

This section is not applicable to operators of water producing facilities having a discharge opening two inches or less in diameter and which do not provide domestic or irrigation water for an area in excess of one acre who pay, in accordance with district regulations a fixed charge in lieu of affixing a water measuring device

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 240. Section 36 of said act is amended to read·

Sec. 36. The district shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing by resolution of the board of directors and properly executed by its officers who have been so authorized to do by said district. The approval of the form of all contracts shall be endorsed thereon by an attorney for said district.

Every expenditure by said district other than the purchase of water to replenish the ground water supplies therein, and in an amount in excess of five thousand dollars ($5,000) shall be made by said district with the lowest and best bidder after the publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation published within said district, of a notice calling for bids and fixing a period during which such bids will be received, which shall be not less than 10 days after the publication of said notice The district may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids or if no bids are received, said district may determine and declare that in its opinion, based on estimates submitted by the engineer for said district, any work may be performed better or more

economically by said district with its own employees, or after hiring additional employees; and after the adoption of a resolution to this effect by at least seven affirmative votes of the directors of said district, said district may proceed to have such work done in the manner stated and without further observance of the provisions of this section.

Expenditures, likewise, may be incurred or contracts let or work undertaken without advertising for bids if such work shall be deemed by said district to be of urgent necessity for the preservation of life, health or property and shall be authorized by a resolution passed by at least eight affirmative votes of the board of directors and containing a declaration of the facts constituting such urgency.

Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for at least 25 percent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer of said district, and be subject to approval by the board of directors of said district.

SEC. 241. Section 38 of said act is amended to read:

Sec. 38. Any water producing facility which is not producing ground water from a zone replenished by the Santa Ana River or its tributaries may be excluded by order of the board of directors from the payment of the replenishment assessment provided by this act after the filing of a verified petition by the owner of a water producing facility.

The petition shall describe the land upon which the water producing facility is located, a description of the water producing facility, and the names and addresses of the owners of the water producing facility, and shall set forth that such water producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. It shall be filed with the board of directors and accompanied by a deposit with the board of the sum of five hundred dollars ($500) to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner.

Upon the filing of the petition, the board of directors shall cause an investigation to be made by an engineer or engineers to determine whether the water producing facility is or is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. Upon completing such investigation and report two copies thereof shall be filed with the district, one copy of which shall be mailed to the petitioner. The cost and expense of such investigation and report shall be a charge against the deposit made by the petitioner.

Upon the filing of the report, the board of directors shall fix a time for holding a hearing regarding the petition and report, which time shall be not less than 25 days and not more than 75 days after the filing of the report, and shall cause a

notice of the filing thereof to be published in the district pursuant to Section 6066 of the Government Code Such notice shall state the time and the place for the holding of such hearing. The district shall also mail to the petitioner a notice of such hearing, within 10 days after the first publication of the notice of the hearing Any owner of a water producing facility within the district may appear in person or by representative at said hearing either in behalf or in opposition to the granting of the request of said petition If upon such hearing the board of directors determines that the petition complies with the provisions of this section, and determines and finds that such water producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries, the board of directors shall make an order that such water producing facility shall be excluded from the payment of the replenishment assessment as provided in this act. From the making of such order the water producing facility so excluded shall no longer pay any replenishment assessment thereafter levied but such order of exclusion shall not invalidate in any manner any replenishment assessment theretofore levied.

The exclusion provisions provided in this section apply only to exclusion of water producing facilities from the payment of the replenishment assessments authorized by this act, but do not in any manner exclude or limit the rights of the district to levy and collect a general assessment as provided in this act.

The finding and determination by said board is final and conclusive

SEC. 242. Section 44 of said act is amended to read:

Sec. 44. The board of directors may, at any time after the levy of any assessment herein provided for, bring an action in the Superior Court of Orange County to determine the validity of any assessment; said action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had in publication of summons pursuant to Section 6063 of the Government Code in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within 10 days after the full publication of said summons in the manner herein provided Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of said assessments Said action shall be speedily tried and judgment rendered declaring the matter so contested either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of said judgment, which appeal must be heard and determined within three months from the time of taking such appeal

SEC. 243. Section 1 of the Storm Drain Maintenance District Act is amended to read:

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 supervisors 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.

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 pursuant to Section 6066 of the Government Code 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 244 Section 10 of the County Water Authority Act is amended to read:

Sec 10. (a) For the purposes of this section, the following definitions shall apply to the terms used herein; the term "city" shall mean and include any municipal corporation or municipality of the State of California, whether organized under a freeholder's charter or under the provisions of general law of the type and class of cities and incorporated towns; the term "water district" shall mean and include any municipal water district, municipal utility district, public utility district, county water district, irrigation district or any other public corporation or agency of the State of California of similar character.

(b) Territory may be annexed to any county water authority organized hereunder by one of the following methods:

(1) By annexation to, or consolidation with, the area of any city, the area of which, as a separate unit, shall have become a part of any county water authority organized hereunder, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be, a part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding.

(2) By annexation to, or consolidation with, any city which, as a separate unit, shall have become a part of any water district the area of which water district, as a separate unit, shall have become a part of any county water authority organized hereunder, in instances where, under the applicable provisions of law governing the change of boundaries of such water district, such annexation or consolidation automatically will result in the enlargement of the area of such water district, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be a part of such water district, and of such county water authority, and the taxable property therein shall

be subject to taxation thereafter for the purposes of said water district and of said county water authority, including the payment of bonds and other obligations of such water district and of such county water authority at the time authorized or outstanding. If any such territory shall have been so annexed to, or consolidated with, any such city prior to the effective date of this subparagraph (2), under conditions which would have resulted in the enlargement of the area of such county water authority had the foregoing provisions of this subparagraph (2) then been in effect, upon compliance with the following provisions of this subparagraph (2), such territory shall be annexed to, and shall become and be a part of, such county water authority, and shall be a part of such water district for all purposes, the last-mentioned provisions being as follows:

(aa) The governing body of such city, at any time after the effective date of this subparagraph (2), may adopt an ordinance which, after reciting that such territory has been annexed to, or consolidated with, such city by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date and place of filing of the certificate or certificates evidencing such annexation or consolidation, shall describe such territory and shall determine and declare that the said territory shall be, and thereby is, annexed to such county water authority, and said ordinance shall further determine and declare that the said territory shall become and be, and thereby is, a part of such county water authority, and shall be, and thereby is, a part of such water district for all purposes.

(bb) The governing body, or clerk thereof, of such city shall file a certified copy of such ordinance with the Secretary of State of the State of California Upon the filing of said certified copy of such ordinance in the Office of the Secretary of State, such territory shall become, and be, a part of such county water authority, and shall be a part of such water district for all purposes, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority and of said water district, including the payment of bonds and other obligations of such county water authority at the time authorized or outstanding.

(cc) Upon the filing in his office of the aforesaid certified copy of such ordinance, the Secretary of State shall, within 10 days, issue his certificate, describing such territory, reciting the filing of said certified copy of such ordinance in his office and the annexation of said territory to such county water authority, and declaring that the said territory is a part of said county water authority and of such water district. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and a duplicate original of his said certificate to the clerk of the governing body of such water district, and shall forward a certified copy of his said certificate to the county clerk of the county in which such county water authority is situated.

(3) Upon terms and conditions fixed by the board of directors of such county water authority and in the manner provided in paragraph (c) hereof, by direct annexation, as a separate unit, of the corporate area of any water district or city.

(4) Upon terms and conditions fixed by the board of directors of such county water authority and in the manner provided in paragraph (d) hereof, by annexation to, or consolidation with, any water district, the area of which, in whole or in part, is included within such county water authority as a separate unit; provided, that unless such territory shall be so annexed to such county water authority with the consent of such board of directors, the annexation of such territory to, or the consolidation of such territory with, any such water district shall not authorize or entitle such water district or such territory to demand or receive any water from such county water authority for use in such territory; and provided further, that, except where automatic annexation results under the conditions mentioned in subparagraph (2) of this paragraph (b), nothing in this act shall prevent the annexation of territory to, or the consolidation of territory with, any such water district for its local purposes only and without annexing such territory to such county water authority, and such local annexation or consolidation may occur without requesting or obtaining the consent thereto of the board of directors of such county water authority.

(c) The governing body of any water district or city may apply to the board of directors of such county water authority for consent to annex the corporate area of such water district or city to the county water authority. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which the corporate area of such water district or city may be annexed to and become a part of the county water authority. Such terms and conditions may provide, among other things, for the levy by such county water authority of special taxes upon taxable property within such water district or city, in addition to the taxes elsewhere in this act authorized to be levied by such county water 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 water district or city, and if such action shall grant consent to such annexation, such governing body may thereupon submit to the qualified electors of such water district or city 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 mailed to each voter qualified to vote at the election and shall be given by posting or publication; when given by posting such notices shall be posted at least ten (10) days and in three public places in the water district or city; when given by publication such notice shall be published in the water district or city pursuant to Section 6061 of the Government Code, at least ten (10) days before the date fixed for the election. 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 in such water district or city. If such proposition shall receive the affirmative vote of a majority of electors of such water district or city voting thereon at such election, the governing body of such water district or city shall certify the result of such election on said proposition to the board of directors of said authority, together with a legal description of the boundaries of the corporate area of such water district or city, 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 water district or city shall become, and be, an integral part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water 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 water district or city to such county water authority. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and shall forward a certified copy thereof to the county clerk of the county in which such county water authority is situated.

(1) In the event that a water district shall apply to a county water authority for consent to annex its corporate area, as a separate unit, which water district shall include as a part of its corporate area the corporate areas of any cities (whether one or more) which are already included within such county water authority as separate units, or which water district shall include as a part of its corporate area the corporate areas, or portion thereof, already included within such water authority, of any water districts (whether one or more) the corporate areas of which, in whole or in part, are already included within such county water authority as separate units, then that fact shall

be taken into consideration by the board of directors of such county water authority in fixing the terms and conditions upon which said applying water district may be annexed to such county water authority, to the end that the areas within said unit member cities or water districts which are already a part of such county water authority, shall not be required to assume any greater financial burden or obligation to such county water authority than they would have had if they had remained a part of such county water authority as separate units.

That concurrently with any election called by an applying water district to submit to the qualified electors of such water district, the question of whether the terms and conditions fixed by the board of directors of such county water authority for annexation shall be approved, the governing bodies of said unit member cities or water districts may call and hold elections within their respective corporate limits or portions thereof already included within such county water authority, to determine whether or not such cities or water districts shall withdraw from such county water authority as separate units, and said proposed withdrawal may be made and submitted conditioned upon and effective when the said applying water district shall have finally been annexed to such county water authority.

The effect of such concurrent elections, if a majority of the electors of the said applying water district voting thereat vote in favor of annexation, and a majority of the electors of said unit member cities or water districts voting thereat vote in favor of withdrawing, shall be that the said annexing water district thereafter shall be authorized to exercise the privileges and to discharge the duties prescribed in this act for public agencies the areas of which, as separate units, are included within the said authority, in place of and instead of said cities or water districts so withdrawing That notwithstanding anything to the contrary in Section 11 of this act, the areas within said withdrawing cities or water districts shall remain a part of such county water authority and shall not be excluded therefrom notwithstanding the fact that said cities or water districts, as corporate entities, have withdrawn from said authority.

In the event that said water district does annex to such county water authority, then the directors representing said withdrawing cities or water districts on the board of directors of such county water authority, shall continue to act until their successors have been chosen and designated by the appropriate officers of said annexing water district and have qualified as members of the board of directors of such county water authority, after which time the said directors representing said withdrawing cities or water districts, shall no longer be entitled to sit or vote on said board.

(2) In the event that a water district shall apply to a county water authority for consent to annex its corporate area as a separate unit, which water district shall include as a part of its corporate area lands in public ownership exempt from taxation

by a county water authority, and not within or adjacent to the area within said water district served with water by said district, and which lands are not to be supplied by said water district with water obtained from and by reason of its annexation to said county water authority, then that fact may be taken into consideration by the board of directors of such county water authority in fixing the terms and conditions upon which said water district may be annexed to said county water authority and in determining the boundaries of the area to be annexed, and said county water authority may, in the discretion of its board of directors, annex all of the corporate area of said water district as a separate unit excepting that portion consisting of such publicly owned and tax-exempt lands.

(d) The governing body of any water district, the area of which, in whole or in part, is included within such county water authority as a separate unit, may apply to the board of directors of such county water authority for consent to annex to such county water authority territory which it is sought to annex to, or consolidate with, such water district, or territory which, without making the same a part of such county water authority, already has been annexed to, or consolidated with, such water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such territory may be annexed to, and become a part of, the county water authority. Such terms and conditions may provide, among other things, for the levy by such county water authority of special taxes upon taxable property within such territory in addition to the taxes elsewhere in this act authorized to be levied by such county water 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 water district, and if such action shall grant consent to such annexation, such territory may be annexed to such county water authority as provided in subdivision (1) or (2) thereof.

(1) If such territory has not theretofore been annexed to or consolidated with such water district, upon completion of such annexation to, or consolidation with, such water district in compliance with the provisions of law applicable thereto, including this Section 10, such territory shall become and be a part of such county water authority and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water authority shall be empowered to do all things necessary to

enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized; provided, that if the applicable provisions of law governing such annexation to, or consolidation with, such water district shall require any notice of any election called for the purpose of determining whether such proposed annexation or consolidation shall occur, or shall require any notice of hearing or other notice to be given to the residents or electors of, or owners of property in, such territory, such notice shall contain the substance of the terms and conditions of annexation to such county water authority fixed by the board of directors of such authority as herein provided, and provided further, that the governing body of such water district or other officer thereof having the duty of certifying the proceedings resulting in such annexation to, or consolidation with, such water district, pursuant to the provisions of law applicable thereto, shall include in such certification a record of the proceedings by which such territory has been annexed to such county water authority in accordance with the provisions hereof, and shall file a duplicate of such certificate with the board of directors of such county water authority

(2) If the territory sought to be annexed to such county water authority theretofore has been annexed to, or consolidated with, such water district, the governing body of such water district, upon being advised of the action of the board of directors of such county water authority, as above provided, and if such action shall grant consent to such annexation, may submit to the qualified electors of such territory at any general or special election held therein, the proposition of such annexation to such county water authority subject to the terms and conditions fixed by the board of directors of such county water authority, as herein provided Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least ten (10) days and in three public places in such territory; when given by publication such notice shall be published in such water district pursuant to Section 6061 of the Government Code, at least ten (10) days before the date fixed for the election. 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 by the governing body of such water district in the manner provided by law for elections in such water district. If such proposition shall receive the affirmative vote of a majority of electors of such territory voting thereon at such election, the governing body of such water district shall certify the result of such election on said proposition to the board of directors of said 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, such territory shall become, and be, a part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water

authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water authority shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation of such territory to such county water authority fixed by said board of directors 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 such territory to such county water authority. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and shall forward a certified copy thereof to the county clerk of the county in which such county water authority is situated.

(e) Should the corporate area or all portions thereof already included within a county water authority, of any water district or city the corporate area of which, in whole or in part, already is included within such county water authority as a separate unit, annex to a water district or city the corporate area of which, in whole or in part, already is a part of such county water authority as a separate unit, upon the completion of such annexation pursuant to the law pertaining thereto, the water district or city, the corporate area (or portions thereof) of which is so annexed, shall automatically cease to be a separate unit member of said county water authority but said corporate area (or portions thereof) shall remain a part of said county water authority as a part of the unit member water district or city to which it was annexed. The governing body of the water district or city to which such annexation is effected, or other officer thereof having the duty of certifying the proceedings resulting in such annexation, shall file a duplicate of such certificate with the board of directors of such county water authority.

(1) Should any water district or city the corporate area of which, in whole or in part, already is included within a county water authority as a separate unit, consolidate with a water district or city the corporate area of which, in whole or in part, already is a part of such county water authority as a separate unit, under the provisions of any law by the terms of which, after consolidation, a new district or city will result and the former water districts or cities participating in such consolidation shall no longer exist, the resulting new water district or city shall be substituted for the water districts or cities whose corporate existence has been terminated by the consolidation as a unit member of said county water authority, and said corporate areas (or portions thereof) of such former water districts or cities shall remain a part of said county water authority as a part of such unit member water district or city resulting from such consolidation. The governing body of the water district or city resulting from such consolidation, or other officer thereof having the duty of certifying the pro-

ceedings resulting in such consolidation, shall file a duplicate of such certificate with the board of directors of such county water authority.

(f) The validity of any proceedings for the annexation to any authority organized hereunder, of the corporate area of a water district or city as a separate unit, or of territory annexed to, or consolidated with, a water district or city which, as a unit, shall have been included within such authority, shall not be contested in any action unless such action shall have been brought within three months after the completion of such annexation, or, in case such annexation is completed prior to the time that this paragraph takes effect, then within three months after this paragraph shall have become effective.

(g) Whenever territory is annexed to or consolidated with any water district, the corporate area of which, as a unit, shall have become a part of any county water authority organized hereunder, irrespective of whether such territory is annexed to and becomes a part of such county water authority, or whenever territory is annexed to any city under the conditions mentioned in subparagraph (1) or subparagraph (2) of paragraph (b) of this section, or whenever territory previously annexed to any city is annexed to such county water authority under the conditions mentioned in said subparagraph (2) of paragraph (b) of this section, the governing or legislative body, or clerk thereof, of such water district or city, shall file with the board of directors of such county water authority a statement of the change of boundaries of such water district or city, setting forth the legal description of the boundaries of such water district or city, as so changed, and of the part thereof within such county water authority, which statement shall be accompanied by a map or plat indicating such boundaries.

(h) The inclusion in a county water authority of the corporate area, in whole or in part, of any municipal water district, municipal utility district, public utility district, county water district, irrigation district, or other public corporation or agency of the State of California of similar character, referred to in Section 2 of this act, shall not destroy the identity or legal existence or impair the powers of any such municipal water district, municipal utility district, public utility district, county water district, irrigation district, or other public corporation or agency of the State of California of similar character, notwithstanding the identity of purpose or substantial identity of purpose of such county water authority.

(i) In determining the number of members of the board of directors of a county water authority organized hereunder, and the number of votes to be cast by such directors, from the component public agencies, the corporate areas of which, in whole or in part, are included as units within such county water authority, there shall be considered only the assessed valuation of the property taxable for authority purposes lying in such public agencies and in such authority. Such directors

shall be appointed by the chief executive officers, with the consent and approval of the governing bodies, of such component public agencies, respectively, without regard to whether any such chief executive officers or members of such governing bodies have been chosen from, or represent, areas of their respective public agencies which lie outside of such county water authority. The phrase "any water district, the corporate area of which is included within said authority" and the phrase "each city, the area of which shall be a part of any authority incorporated hereunder," and like phrases, used elsewhere in this act, shall be deemed to mean and refer to any water district or city, the corporate area of which either in whole or in part, is included within such county water authority, but the duties and obligations of such county water authority shall extend only to that part of the corporate area of such water district or city which shall lie within such county water authority. As to any such water district, city or public agency, the corporate area of which lies partly within and partly without such county water authority, the word "therein" and the phrase "within such city" and like words and phrases, used elsewhere in this act, shall be deemed to mean and refer to that part of the corporate area of such water district, city or public agency which lies within such county water authority. The charges for water supplied by such county water authority to any component public agency, pursuant to its request, shall be and become an obligation of such public agency, irrespective of whether the entire corporate area of such public agency is included within such county water authority, and such authority in administrative and contractual matters shall deal with the chief executive officers and governing bodies and other proper officials of such component public agencies as chosen or constituted under applicable laws governing the respective public agencies.

SEC. 245. Section 15 of the Ventura County Flood Control Act is amended to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the said board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question

whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said participating zones the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, which shall be not less than one-fortieth ($\frac{1}{40}$) of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts.

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

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

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

at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

SEC. 246. Section 13 of the Humboldt County Flood Control District Act is amended to read:

Sec. 13. The board may institute district projects or projects for single zones and joint projects for two or more zones, and projects for subzones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to the district or to such zone, subzone, or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the district as a whole or by the particular zones, subzones, or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in the district or in such zone, subzone, or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in the district or in such zone, subzone, or in each of said participating zones. Said notice must designate a public place in the district or in such zone, subzone, or in each of said participating zones where a copy or copies of the map or maps of said project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within the district or such zone, subzone, or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the

conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 247. Section 15 of said act is amended to read:

Sec. 15. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in the district or any zone, subzone, or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Humboldt County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of the district or said zone, subzone, or participating zones, the proposition of incurring a bonded debt in the district or such zone, subzone, or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth ($\frac{1}{40}$) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance

establish election precincts within the boundaries of the district or each zone, subzone, and participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such bond election precincts

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

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

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in the district or in each zone, subzone, and participating zone affected The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in the district or in each zone, subzone, and participating zone affected for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

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

SEC. 248. Section 17 of said act is amended to read:

Sec. 17. The board may issue and sell the bonds of the district or of such district zones, authorized as hereinbefore provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the Treasury of the County of Humboldt to the credit of said district or the respective participating zones thereof, for the uses and purposes of the district or of the zone, subzone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds or district-wide fund shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds or district fund shall be made upon demands prepared, presented,

allowed and audited in the same manner as demands upon the funds of the County of Humboldt. 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 pursuant to Section 6061 of the Government Code 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.

SEC 249 Section 14 of the Monterey County Flood Control and Water Conservation District Act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may, by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone or zones, in order to raise the amount of money necessary for each work or improvement and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Monterey County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness and shall fix the date on which such special election shall be held, and the

form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall, in said ordinance, establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election No other notice of such election need be given nor need polling place cards be issued.

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

SEC 250. Section 13.6 of the Sonoma County Flood Control and Water Conservation District Act is amended to read

Sec 13 6. The clerk of the board of supervisors shall publish a notice of hearing in the county pursuant to Section 6061 of the Government Code, at least seven days prior to the date of the hearing. Notice of the hearing shall also be posted in not less than three public places in the zone at least two weeks before the date of the hearing. The notice shall contain:

(a) The text of the resolution.

(b) A statement of the time and place of the hearing.

(c) A statement as to the place where the engineer's report may be examined.

(d) A statement that at the hearing all written protests against establishment of the zone will be considered and testimony of all interested persons for or against the establishment of the zone will be heard.

SEC. 251. Section 13 9 of said act is amended to read:

Sec 13.9. Each year at the time the board of supervisors fixes and levies taxes for county purposes, they shall also fix the rates of zone assessments and shall levy the assessment upon the zone. The rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, 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, during the current fiscal year The assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The assessments levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other district taxes and assessments. All funds collected by reason of the assessment 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.

Whenever the board determines it in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone assessment in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question as to whether or not the assessments in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of excess valuation 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 general elections An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone.

SEC. 252. Section 16 of said act is amended to read:

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district a proposition or propositions of incurring bonded indebtedness in order to carry out the provisions of this act.

Several separate propositions of incurring bonded indebtedness may be submitted separately to the voters at the same election if such respective propositions are separately stated

in the resolution calling the election and on the ballot to be used at the election.

The resolution calling the special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts

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

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published in the district pursuant to Section 6062 of the Government Code No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Notwithstanding any other provision of this act, 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.

SEC. 253. Section 22 of said act is amended to read:

Sec 22. The district may sell the whole, or from time to time any part, of the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication pursuant to Section 6061 of the Government Code of notice of sale, 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 re-

ceived 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 re-advertise or sell the bonds at private sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 254. Section 45 of the Mendocino County Flood Control and Water Conservation District Act is amended to read:

Sec. 45. The clerk shall also cause a notice, similar in substance, to be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation printed and published in the proposed improvement district, and designated by the board of supervisors for that purpose.

SEC. 255. Section 57 of said act is amended to read:

Sec. 57. The ordinance or resolution ordering the holding of the election shall, prior to the date set for the election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation printed and published in the County of Mendocino and designated by the board of supervisors for that purpose, and shall be posted in three of the most public places in the proposed improvement district at least 10 days prior to the date set for the election. No other notice of the election need be given.

SEC. 256. Section 11 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said

map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Alameda next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do; provided further, that where real property appears to be owned in common or jointly by husband and wife either may sign the protest without the written consent of the other.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed

by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 257. Section 13 of said act is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Alameda County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of

the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 260. Section 14 of the Santa Clara County Flood Control and Water Conservation District Act is amended to read:

SEC. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Santa Clara County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth (1/40) of the whole amount of the principal and interest of such indebt-

edness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 261. Section 12 of the Lake County Flood Control and Water Conservation District Act is amended to read:

Sec. 12. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in

the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person, said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued; the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Lake next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 262. Section 14 of said act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work

or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Lake County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth ($\frac{1}{40}$) of the whole amount of the principal and interest of such indebtedness, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one in-

spector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 263. Section 25 of said act is amended to read:

Sec. 25. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call in said district pursuant to Section 6066 of the Government Code inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into

severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 264 Section 36 of said act is amended to read:

Sec. 36. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Lake, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof in said county pursuant to Section 6064 of the Government Code. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all

persons whomsoever, including the district and the State of California

SEC. 265. Section 11 of the Contra Costa County Flood Control and Water Conservation District Act is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given for a period of not less than twenty (20) days If there is a newspaper of general circulation published in the territory proposed to be formed into a zone, notice shall be given by publication pursuant to Section 6066 of the Government Code. Publication shall be complete at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places as their said territory designated by the board. Said notice shall designate a public place in any such zone where a copy of the map of the project may be seen by any interested person.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued; the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Contra Costa next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assess-

able rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real

property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 266. Section 13 of said act is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Contra Costa County within five days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established

for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 267. Section 8.3 of the Sacramento County Water Agency Act is amended to read:

SEC. 8.3. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the agency shall advertise pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the agency inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful

bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or the work consists of emergency work necessary in order to protect life and property, the board of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The agency shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 6, or to a contract authorized by a vote of the electorate of the agency.

SEC. 268. Section 11.1 of said act is amended to read:

Sec. 11.1. (1) Whenever the board of directors shall determine that a bonded indebtedness should be incurred to pay all or any part of the cost of acquisition or construction of any works for any of the purposes of the agency, the said board may by resolution determine and declare the respective amounts of bonds in order to raise the amount of money necessary for such work and the denomination and rate of interest of said bonds, and said resolution shall generally describe said work. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Sacramento County within five days after its passage. From and after said filing, the said board shall be deemed vested with the authority to proceed with said bond election.

(2) Thereafter, the board of directors may call a special election at which shall be submitted to the qualified electors of the agency the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated.

(3) Said board of directors shall call such special election by ordinance and not otherwise and submit to the qualified electors of the agency the proposition of incurring a bonded indebtedness in the agency in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by the board of directors, and on file for particulars; and said ordinances shall also state the estimated cost

of the proposed work, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest thereon, and what part of such indebtedness shall be paid each and every year, which shall be not less than one-fortieth of the whole amount of such principal indebtedness, and the proportion or part of such indebtedness to be underwritten by each member unit, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 6 percent per annum. For the purposes of said election, the board of directors shall in said ordinance establish election precincts within the boundaries of the agency and may form election precincts by consolidating the precincts established for general election precincts in the agency.

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

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

(5) Said ordinance calling for such election shall prior to the date set for such election, be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the agency; the last publication of such ordinance must be at least 14 days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in the agency for at least 30 days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds of the votes cast are in favor of incurring such bonded indebtedness, then bonds of the agency for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 269. Section 11.5 of said act is amended to read:

Sec. 11.5. Any bonds, original or refunding, issued by the agency, may be made callable by resolution of the board of directors adopted at or prior to the time of issuing such bonds and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest. If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published in the agency pursuant to Section 6063 of the Government Code. The first publication of such notice shall be not less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the

agency shall have provided funds available for payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

SEC. 270. Section 11.6 of said act is amended to read:

Sec. 11.6. The board of directors may issue and sell the bonds of such agency authorized as hereinbefore provided at not less than 95 percent par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the agency for the uses and purposes of the said bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and said funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from said funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Said bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication in the agency pursuant to Section 6061 of the Government Code at least one week prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors. The said board is hereby given the right to reject any and all bids which in the judgment of said board are too low to be in the best interests of the agency.

SEC. 271. Section 11.10 of said act is amended to read:

Sec. 11.10. The agency may bring at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract an action in the Superior Court of the State of California in and for the County of Sacramento to determine the validity of the bonds or of the levy or of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract. If no proceedings have been brought by the agency pursuant to this section, any agency assessment or taxpayer may at any time within 30 days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the said superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions or proceedings pro-

vided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within 30 days after the entry of the judgment. No contest of any thing or matter herein provided shall be made other than in the time and manner in this section provided In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

SEC. 272. Section 16 of said act is amended to read:

Sec. 16. The agency in order to determine the legality of its existence, in addition to any other remedy it may have for that purpose, may institute a proceeding therefor in the Superior Court of the State of California in and for the County of Sacramento, by filing a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal district formed under this act. The summons in such proceeding shall be served by publishing a copy thereof in said agency pursuant to Section 6064 of the Government Code. Within 30 days after the last publication of said summons shall have been completed, any property owner or resident or registered voter in said agency, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from said judgment in the same manner as in other civil cases. The procedure provided by this section shall be cumulative and not exclusive.

SEC. 273. Section 7 of the Vallejo Sanitation and Flood Control District Act is amended to read:

Sec. 7. Surveys and Reports on Proposed Work and Zones. Said board of trustees shall have jurisdiction, and it shall be their duty to employ, by resolution, a competent engineer or engineers or firm of engineers and direct such engineer to investigate carefully the best plan to collect and dispose of sewage and industrial waste and to control the flood and storm waters that may flow to or upon said district, or which may originate thereon, and to prepare all necessary and incidental plans, detail drawings, profiles, cross-sections and specifications of and for said work, together with a detailed description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work and improvement, and a statement of the estimated cost of the whole

of said work and improvement (inclusive of all incidental expenses and all work and proceedings thereunder); also, to prepare maps or plats of the whole district showing the location of all proposed work and improvement and also the different zones within said district, if any are necessary because of varying benefits, containing the property to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payment on the principal and interest of the bonds should be raised from each zone. It shall not be necessary that all of said plan be prepared by the same engineer, but different engineers may be employed for the different projects, whether sanitary sewage disposal or storm water control. Said district may be divided into as many zones as may be deemed necessary, and each zone shall be composed of and include all the property in the district which, in the opinion of the board of trustees, will be benefited in like measure. Each such zone shall be designated by a different letter or number and shall be plainly shown upon the map or plat of the district, either by separate boundaries, coloring, or other convenient or graphic method, together with a statement of the percentage of the costs and expenses to be raised from each zone Zones, if any, for sanitary sewage disposal may be the same as or separate and distinct from zones for storm water control. If the same zones are established for both sanitary sewage disposal and storm water control purposes, different percentages of benefits for each of such purposes may be attributed to each such zone.

It shall not be necessary that all of the work and improvement authorized under this act be included in any one report but different reports may be made from time to time and separate proceedings may be had on each separate report.

Upon the filing of the report of the engineer or engineers, together with the maps, plats, plans, profiles, drawings, cross-sections, specifications and estimates as herein provided for, the board of trustees shall consider the same, and may, by resolution, approve them or order modifications or changes to be made therein Whenever the board of trustees shall determine and declare by resolution that the proposed plan of works as set forth in any such report is satisfactory and is feasible, the trustees shall determine the amount of bonds that should be issued in order to raise the amount of money necessary to accomplish the matters covered by such report, and in determining said amount sufficient shall be included in the estimate to pay interest on the bonds to be issued for a period of not to exceed three years, together with the cost of inspection of works in course of construction.

The said trustees shall thereafter prepare a notice of intention to adopt said zones and percentages as finally established by said trustees as the respective zones and percentages of benefit of the district and set a date for the hearing of all interested parties as to whether said zones and percentages should

be approved Said notice shall contain a statement of the time and place of said hearing and reference to the map of said zones and percentages of benefit and shall be published in said district pursuant to Section 6066 of the Government Code. At such hearing any person interested shall have the right to appear and be heard. The trustees may continue said hearing by public announcement from time to time until the hearing is completed. Upon the final hearing the trustees by resolution shall approve, modify or change any of the zones or percentages of benefit applicable to each and shall finally determine and adopt the zones into which the district shall be divided and the percentage of benefit attributable to each zone for sewage disposal and flood control purposes. Said resolution shall also state the amount of the estimated cost for which bonds payable from assessments are to be voted.

The said resolution shall be subject to judicial review as to the facts contained therein and as to the regularity of the proceedings pursuant to which it was passed, by any court of competent jurisdiction; provided, that proceedings for that purpose are instituted within 20 days from the date of the adoption of the resolution of the board of trustees, and if such action or proceeding is not commenced within said time the findings and determination of the board of trustees as to the extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive.

The term "incidental expense" wherever used in this act shall mean and include all compensation for all clerical, engineering, legal, superintendence and inspection services, printing and advertising of all resolutions, notices and other matter required herein to be printed, posted or published, costs and expenses of legal actions or proceedings, and also rental or purchase of real or personal property used in connection with such work and improvement or incidental thereto, during the progress of the work and improvement and proceedings thereunder or otherwise.

Any error or informality in the appointment of any officer or employee by the board of trustees shall not invalidate or in any way affect the proceedings.

SEC. 274. Section 8 of said act is amended to read:

Sec 8. Bond Election. After the adoption of said final resolution by the board of trustees above provided, said board may call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said resolution

Said board shall call said special election by resolution, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and shall fix the maximum rate of interest to be paid

on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which said special election shall be held and the manner of voting for or against incurring such indebtedness. A proposition for incurring indebtedness for sanitary sewage disposal purposes and for flood control purposes may be united and be submitted as a single proposition, or separate propositions may be submitted for each of said purposes separately.

For the purposes of said election, said board of trustees shall in said resolution establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, two judges and two clerks for each of such precincts.

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

At such election every then qualified elector of Solano County residing within the district shall be entitled to vote thereat.

Such resolution calling said election shall, prior to the date set for said election, be published in said district pursuant to Section 6062 of the Government Code. No other notice of such election need be given.

No defect or irregularity in the proceedings prior to the election shall affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided. Said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon all the land within said district, and all the land in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 275. Section 10 of said act is amended to read:

Sec. 10. Sale of Bonds. The said board of trustees may issue and sell the whole, or from time to time any part, of said bonds but only to the highest bidder or bidders for cash after notice of such sale given by publication in said district pursuant to Section 6061 of the Government Code; provided, no sale shall be had prior to the expiration of 15 days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the discretion of said board it appears to the best interests of the district so to do, and thereafter readvertise as in this section provided for original sale.

SEC. 276. Section 11 of said act is amended to read:

Sec. 11. Action to Determine Validity of Bonds. At any time prior to the sale and delivery of said bonds, an action may be commenced by the board of trustees in the name of the

district in the Superior Court of the State of California, in and for the County of Solano, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in some newspaper of general circulation published in Solano County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the Vallejo Sanitation and Flood Control District to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board of trustees to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Solano, and if the action or proceeding shall be commenced by the board of trustees as in this section provided, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board of trustees. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 277. Section 17 of said act is amended to read:

Sec. 17. Assessments for Maintenance and Operation. The board of trustees of said district shall have power, in any year, to levy an assessment upon the taxable property in said district as set forth in Section 16 hereof at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the

expenditures for said purposes of all revenues so derived; provided, that such assessments levied under this section for any one year shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of the assessed valuation of the land in said district as said assessed valuation is shown on the last preceding assessment roll for state and county purposes; provided, further, that such assessments shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon. Such assessments, when collected, shall be held by the treasurer in a special fund to be designated "Vallejo Sanitation and Flood Control Operation Fund." The moneys in said fund shall be withdrawn on warrants authorized by the trustees. Prior to said bond election at which bonds shall be authorized as herein provided, the district shall have the right to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act specified, to an amount not exceeding two hundred thousand dollars ($200,000), said indebtedness to be evidenced by warrants of said district issued in payment of valid obligations incurred by said district, and which warrants shall be paid by the treasurer of the district out of the first proceeds of the sale of bonds of said district or out of moneys collected from the annual assessment to be levied under this Section 17, and until so paid said warrants shall bear interest at the rate of 6 per centum per annum from date of presentation and registration until paid. If funds are not available for the payment of said warrants at the time of their presentation to the treasurer, the same shall be registered in the office of the treasurer and shall be paid in the order of their registration. The treasurer shall publish notice of call for redemption of said warrants or any thereof whenever funds are available for their payment, and interest on said warrants shall cease upon the date fixed for such redemption. The notice shall be published in the district pursuant to Section 6061 of the Government Code.

The provisions in this Section 17 contained for the levy and collection of assessments for the payment of maintenance and operation costs of the district shall be effective for the Fiscal Year 1952-1953, and it shall be the duty of the County Assessor of Solano County and the State Board of Equalization forthwith upon the effective date of this act to take all necessary steps to enable the district to levy and collect an assessment for the Fiscal Year 1952-1953 for maintenance and operation and the payment of the initial costs of the organization of the district and other expenses incident thereto; provided, that such assessment for the Fiscal Year 1952-1953 shall be levied at a uniform rate on all land in the district. The creation of any zone in the district shall not be effective for the purposes of any assessment unless and until the board of trustees shall file with the county assessor and also with the State Board of Equalization a map or plat showing the zones into which the

district is to be divided and the percentages to be raised from each zone.

SEC. 278. Section 20 of said act is amended to read:

Sec. 20. Construction Contracts. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceeds the sum of two thousand dollars ($2.000), the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the district pursuant to Section 6066 of the Government Code and by posting such notice for at least five days at or near the door of the meeting place of the board of trustees prior to the date set for opening bids; such notices shall distinctly state the work contemplated and/or the materials or supplies required; provided, the board of trustees may reject any and all bids presented and readvertise and post in their discretion; and provided further, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as sudden fire, flood, storm, epidemic or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Solano, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

SEC. 279. Section 2 of Chapter 15 of the Statutes of 1952, Second Extraordinary Session, is amended to read:

Sec. 2. The governing body of the city, county, or district shall adopt a resolution of intention to change the budget The resolution of intention shall:

(a) Specify the purpose of the proposed change.

(b) Specify the amount or amounts of the change.

(c) Set a date for hearing, which shall not be more than one week after the date of passage of the resolution of intention.

The governing body shall cause the resolution of intention to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation within the territorial unit involved before the date set for hearing. If no such newspaper is published within the unit the notice shall be published in any newspaper of general circulation

that is published in the county, as determined by the governing body.

SEC. 280. Section 3 of said chapter is amended to read:

Sec. 3. At the time for hearing, all interested persons may protest the proposed budget change. The hearing may be continued from time to time, but shall be concluded not later than five days after the date set for hearing.

After the protests have been heard the governing body may reject any or all of the protests and may by resolution adopt the proposed budget changes by a four-fifths vote of its members.

The budget as so revised shall be effective for all purposes from and after the date of its adoption as if it were the original budget for the fiscal year of the city, county, or district.

The governing body shall cause the resolution adopting the budget change to be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the territorial unit involved within 30 days after the adoption of the resolution. If no such newspaper is published within the unit the notice shall be published in any newspaper of general circulation that is published in the county, as determined by the governing body.

SEC. 281. Section 11 of the Marin County Flood Control and Water Conservation District Act is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones and may establish zones. For the purpose of acquiring authority to proceed with any such project or establishment of a zone, the board shall adopt a resolution specifying its intention to undertake such project or zone establishment, together with the engineering estimates of the cost of any project to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or proposed zone. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or territory of a proposed zone or in each of said participating zones. Said notice must designate a public place in such zone or territory of a proposed zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person. Said map must be posted

in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project or zone. Upon the conclusion of the hearing the board may abandon the proposed project or zone or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project or zone signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated or the territory to be included in the proposed zone, be filed with the board, in which event further proceedings relating to such project or zone must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Marin next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone, or proposed zone, or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county except that if the property jointly held is held by husband and wife and occupied by them as a dwelling, if the other spouse consents, the protest may be signed by either spouse without producing written evidence of the other's consent.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the

person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied

SEC. 282. Section 13 of said act is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Marin County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special

bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall in each year be approximately one-fortieth ($\frac{1}{40}$) of the aggregate of the whole amount of the principal and the total amount of interest to be paid over the entire term of such indebtedness, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum For the purpose of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant

to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 283. Section 22 of said act is amended to read:

Sec. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction of performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor,

or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 284. Section 31 of said act is amended to read:

Sec. 31. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Marin, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof in said county pursuant to Section 6064 of the Government Code. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

SEC. 285. Section 18 of the Contra Costa County Storm Drainage District Act is amended to read:

Sec. 18. For the purpose of acquiring authority to proceed with the establishment of a zone, or any such project, as requested by petition, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said

participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed zone or project Upon the conclusion of the hearing the board may abandon the proposed zone or project or proceed with the same.

SEC. 286. Section 20 of said act is amended to read:

Sec. 20. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Contra Costa County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual assessments levied as provided in this act

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal

of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five (5) public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 287. Section 29 of said act is amended to read:

Sec. 29. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the

engineer will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the zone. The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of emergency work necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The board shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 288. Section 36 of said act is amended to read:

Sec. 36. The district may be dissolved by the board of supervisors as provided in this act. Upon receiving a petition signed by 50 or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than 100 freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time and place for the hearing of such petition, which shall be not less than 15 days nor more than 60 days after the receipt thereof, and shall publish a notice of such hearing pursuant to Section 6066 of the Government Code in a news-

paper of general circulation, circulated in said district, or if there is no newspaper circulated in said district, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said district is located.

SEC. 289. Section 40 of said act is amended to read:

Sec. 40. The board shall publish a notice of such hearing pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in said district, or if there is no newspaper circulated in said district, then such publication shall be made in a newspaper of general circulation, circulated in the county which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

SEC. 290. Section 2 of Chapter 1569 of the Statutes of 1953 is amended to read:

Sec. 2. The boards of directors of such districts may by joint resolution initiate proceedings for such changes of boundaries. Such joint resolution shall declare that proceedings have been initiated by said boards of directors under the provisions of this act, shall state the reason for proposing such changes in boundaries, shall set forth and describe the new proposed boundary between such districts, shall require all persons interested in the proposed changes of boundaries to appear before a joint meeting of said boards and be heard as to why said boundaries should not be so changed, shall fix the time of the joint meetings of such boards at which persons so interested will be heard, and shall direct the secretaries of such districts to give notice thereof. When such joint resolution has been adopted by both of said boards of directors the secretaries of both of said boards of directors shall thereupon cause the text of said resolution and a notice of the time and place of said hearing to be published pursuant to Section 6066 of the Government Code in the county in which such districts are situated Publication shall be complete not less than one week nor more than four weeks before the time so fixed for the hearing Each of such districts shall bear one-half of the costs of publication of such notice.

SEC. 291. Section 15 of the San Benito County Water Conservation and Flood Control District Act is amended to read:

Sec. 15. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction

of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the electors of such zone or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

SEC. 293. Section 27 of said act is amended to read:

Sec. 27. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call pursuant to Section 6063 of the Government Code in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in

connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

SEC. 294. Section 36 of said act is amended to read:

Sec. 36. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of San Benito, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof in said county pursuant to Section 6064 of the Government Code. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

SEC. 295. Section 38 of said act is amended to read:

Sec. 38. Any area of the county may withdraw from or be made a part of the district as provided in this section.

The decisions made by the board on the matter of said withdrawal or inclusion shall be on the basis of benefits to the land involved.

Upon written petition of not less than 50 landowners of an area of the county, or 50 percent of the landowners if there are fewer than 100 landowners of said area, asking withdrawal from or inclusion into the district, the board shall call a hear-

ing and shall cause to be published a notice of the time and place of said hearing on the matters asked in said petition The notice shall be mailed to each landowner in the area sought to be withdrawn or included at his address as shown on the last equalized assessment roll of the county. The notice shall also be published in the petitioning area pursuant to Section 6066 of the Government Code A copy of said notice shall be transmitted to the county boundary commission. The commission shall advise the board as to the judgment of the commission regarding the proposal.

At the hearing the board shall hear and consider all evidence and testimony in favor of and in opposition to the proposal and shall consider the advice of the commission.

After the hearing, the board shall take one of the following actions:

1. The board may deny the petition, in which case its action is final, and the proposal is lost as far as the particular petition is concerned.

2 The board may agree with the petitioners, in which case it shall by resolution order the petitioning area withdrawn, or included, as the case may be, and thereupon said area is withdrawn, or included, as the case may be.

3. In the event the board feels that the matter should be decided by an election, it shall hold an election in the petitioning area A majority of electors voting at said election shall then decide the issue.

If upon withdrawal there are any outstanding obligations of the area withdrawn, said withdrawal shall not release any of the property withdrawn from said obligations.

The boundaries of the district may be changed by the Legislature.

Notice of any change of boundaries made pursuant to this section, other than by act of the Legislature, shall be filed with the Secretary of State within 10 days after the effective date of such change. The notice shall contain a description of the boundaries of the district as changed by the withdrawal or inclusion of the area

SEC. 296. Section 10 of the Morrison Creek Flood Control District Act is amended to read:

SEC. 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand dollars ($3,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise pursuant to Section 6066 of the Government Code in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms

and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000) or where the work consists of emergency work necessary in order to protect life and property, the board, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3, or to a contract authorized by a vote of the electorate of the district.

SEC. 297. Section 14 of said act is amended to read:

Sec. 14. After the adoption of said report and estimate of the amount of money required to be raised, the board shall call a special election and submit to the qualified voters of said district two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint

two inspectors, two judges and two clerks for each of such precincts.

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

At such election all persons whose names appear on the last great register of County of Sacramento as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published in said district pursuant to Section 6062 of the Government Code. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, may be issued and sold as provided in this act.

SEC. 298. Section 18 of said act is amended to read:

Sec. 18. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Sacramento, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in some newspaper of general circulation published in Sacramento County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Sacramento, and if the action or proceeding shall be commenced by the board as provided in this section,

then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 299. Section 19 of said act is amended to read:

Sec. 19. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in the district pursuant to Section 6066 of the Government Code; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 300. Section 13 of the Del Norte County Flood Control District Act is amended to read:

Sec. 13 The board may institute projects for single zones and joint projects for two or more zones, and projects for subzones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone, subzone, or participating zones For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones, subzones, or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone, subzone, or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone, subzone, or in each of said participating zones. Publication shall be complete at least seven days before the date of the

hearing. Said notice must designate a public place in such zone, subzone, or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone, subzone, or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 301. Section 15 of said act is amended to read:

Sec. 15. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, subzone, or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Del Norte County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone, subzone, or participating zones, the proposition of incurring a bonded debt in such zone, subzone, or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such

objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth ($\frac{1}{40}$) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish election precincts within the boundaries of each zone, subzone, and participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such bond election precincts.

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

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

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone, subzone, and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone, subzone, and participating zone affected for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

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

SEC. 302. Section 24 of said act is amended to read:

Sec. 24. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders therefor in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

SEC. 303. Section 33 of said act is amended to read:

Sec. 33. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Del Norte, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof in said county pursuant to Section 6064 of the Government Code. The State of California shall be con-

strued to be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceedings. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 304. Section 3 of the Fresno Metropolitan Flood Control Act is amended to read:

Sec. 3. The Board of Supervisors of Fresno County shall not earlier than 30 days after this act takes effect, and not later than one year from the effective date of this act (unless postponed for the purpose of consolidating said district election with a state-wide primary or general election to be held within 18 months from the effective date of this act), give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice need not describe the boundaries of the proposed district, but shall refer to this act for a particular description of such boundaries The notice shall state the date of the election, the hours the polls will be open, and shall designate the election precincts, the polling place within each precinct and the names of the election officers, one inspector, one judge and two clerks, appointed for each precinct The precincts shall consist of the regular election precincts established in the county for state and county elections or consolidations thereof (not exceeding six regular election precincts in any one consolidated precinct thereof). Any territory which comprises less than an entire regular election precinct may be consolidated with any regular election precinct or precincts for the purpose of said election. The polls at said election shall be opened at 7 o'clock a m. the day of said election and kept open until 7 o'clock p m. of the same day. Only qualified voters residing within the district shall be entitled to vote at said election. The board of supervisors shall by resloution provide for said notice. Said notice shall be published in the district pursuant to Section 6063 of the Government Code, the first publication to be at least 21 days prior to the date of election.

Said election may be consolidated with any city election, county election or state-wide primary or general election under the provisions of the Elections Code relating to the consolidation of elections, and in case of consolidation the notice herein

provided for may be modified as provided in Section 10058 of the Elections Code.

SEC. 305. Section 13 of said act is amended to read:

Sec. 13. All contracts for the purchase of materials or supplies or for the repairs or construction of works or improvements, if the amount of the contract price exceeds two thousand dollars ($2,000), shall be let to the lowest responsible bidder after notice inviting bids published in the district pursuant to Section 6061 of the Government Code, the publication to be not less than 10 days prior to the date set for the opening of bids. Contracts for the purchase of materials or supplies or the making of repairs or construction of works where the total price does not exceed two thousand dollars ($2,000) may be let by the board without public bidding. Also contracts made with any public agency for the construction, maintenance or operation of any works, drains or structures owned or used by or authorized to be constructed by the district shall not be subject to public bidding.

SEC. 306. Section 16 of said act is amended to read:

Sec. 16. The resolution shall be published in such district pursuant to Section 6066 of the Government Code. No other notice of such election need be given. It shall require the votes of a majority of all the voters voting on the proposition to authorize the issuance of the bonds.

SEC. 307. Section 62 of the Montalvo Municipal Improvement District Act is amended to read:

Sec. 62. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand five hundred dollars ($2,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise pursuant to Section 6066 of the Government Code in a newspaper of general circulation circulated in the district inviting sealed proposals for the construction of the work, before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall have the right to reject any and all bids, in which case the board may advertise for new bids or perform the work by force account. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of two thousand five hundred dollars ($2,500), or where the work is found by the board to consist of emergency work necessary in order to protect life and property, the board, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred

dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into under the authority of Section 47, or to a contract authorized by a vote of the electorate of the district.

SEC. 308. Section 83 of said act is amended to read:

Sec. 83. Notice of bond elections shall be given by posting notices, signed by the secretary of the board, in three public places in the district, not less than twenty (20) days before the election, and by publishing the notice pursuant to Section 6063 of the Government Code in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

SEC. 309. Section 11 of the Santa Barbara County Flood Control and Water Conservation District Act is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given for a period of not less than twenty (20) days. If there is a newspaper published in the district and of general circulation in the territory proposed to be formed into a zone, notice shall be given by publication pursuant to Section 6066 of the Government Code, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places in the said territory designated by the board. Said notice shall designate a public place in any such zone where a copy of the map of the project may be seen by any interested person.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the

assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, to be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

At the said hearing, or at any time to which it may be adjourned, the board may sustain any or all of the objections filed and change or alter the boundaries of the proposed zone to conform to the needs of the zone, and to exclude any land that will not be benefited by the formation of the zone. Any owner of lands adjacent to the zone may, by written application filed with the board at or before the time of the hearing, in the discretion of the board have such lands included within the proposed zone. Other lands not included in the proposed zone by the original resolution may not be included in the zone.

In all matters in this section referred to, the last equalized assessment roll of the County of Santa Barbara next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC 310. Section 13 of said act is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Santa Barbara County within five days after its issuance From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and

for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

The total amount of bonds issued to pay the cost of any work or improvement in any zone or zones shall not exceed five percent (5%) of the taxable property of the zones as shown by the last equalized assessment of the county.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the

date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 311. Section 23 of said act is amended to read:

Sec. 23. All contracts for any improvement or unit of work when the cost thereof, according to the estimate of the engineer, will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable, convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of directors may, without advertising for bids therefor, have said work done by day labor, under the direction of the

board, by contract, or by a combination of the two. If any change or alteration in a contract awarded under the provisions of this section is deemed necessary and the cost thereof does not exceed ten percent (10%) 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. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 312. Section 33 of said act is amended to read:

Sec. 33. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Santa Barbara, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof in said county pursuant to Section 6064 of the Government Code. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

SEC. 313. Section 12 of the Santa Clara-Alameda-San Benito Water Authority Act is amended to read:

Sec. 12. The procedure for organizing and incorporating the authority is as follows:

(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 pursuant to Section 6061 of the Government Code 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.

(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.

(3) The board of supervisors shall give notice of said election by publishing the same pursuant to Section 6063 of the Government Code 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.

(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.

(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

(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.

(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).

SEC. 314. Section 71 of said act is amended to read:

Sec. 71. The authority may be dissolved by the board of supervisors of the principal county as hereinafter provided:

(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.

(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 pursuant to Section 6063 of the Government Code 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 board of supervisors of the principal county shall meet on the first Monday following the election and canvass the votes.

(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.

SEC. 315 Section 116 of the Santa Cruz County Flood Control and Water Conservation District Act is amended to read:

Sec. 116 The board shall cause an advertisement for bids for the performance of the work on the purchase of materials to be published in the county pursuant to Section 6061 of the Government Code, at least 10 days before the day set for opening bids.

SEC. 316. Section 233 of said act is amended to read:

Sec. 233. Notice of the time, place and purpose of the election shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published within the district and circulated in the zone.

SEC. 317. Section 309 of said act is amended to read:

Sec. 309. The clerk of the board of supervisors shall publish a copy of the resolution pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the county and circulated in the zone. The first publication shall be at least 20 days prior to the date of the hearing. 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.

SEC. 318. Section 443 of said act is amended to read:

Sec. 443. Such resolution calling such election shall be published pursuant to Section 6066 of the Government Code in some newspaper published in such district and circulated in the zone or zones. No further notice of such election need be given.

SEC. 319. Section 456 of said act is amended to read:

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 in the district pursuant to Section 6061 of the Government Code, not less than 10 days prior to the date of sale.

SEC. 320. Section 513 of said act is amended to read:

Sec. 513. The jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in some newspaper of general circulation published in the county, such paper to be designated by the court.

SEC. 321. Sections 9113, 9132, and 9133 of the Public Resources Code are hereby repealed. Repeals

---

CHAPTER 358

An act to add Section 827.05 to the Agricultural Code, relating to apples, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.] In effect immediately

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

SECTION 1. Section 827.05 is added to the Agricultural Code, to read:

827.05. The director may, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, adopt, amend or repeal such rules and regulations as are reasonably necessary to establish minimum maturity standards for Gravenstein varieties of apples. Such standards shall be based upon the known factors of maturity, including soluble solids content of the juice, pressure tests, sizes, color, condition of the flesh, or other recognized methods of measuring the maturity of apples, which will insure that such apples are properly matured as provided in subsection (h) of Section 827. Minimum maturity standards

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 protective provisions of this act apply to the shipment and marketing of the 1957 crop of Gravenstein apples, this act must take effect immediately.

CHAPTER 359

An act to amend Section 929 of the Fish and Game Code, and Section 8665 of the Fish and Game Code, as proposed by Assembly Bill No. 616, relating to the taking of fish.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 929 of the Fish and Game Code is amended to read:

Use of nets

929. In District 118.5, nets may not be used within one-half nautical mile radius of any pier or dock, except that in the portion of this district lying northerly of Point Arguello lampara or round haul nets having no rings along the lead line or any method of pursing the bottom of the net may be used within not less than 750 feet of any pier or dock.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch. 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 929 of the Fish and Game Code adopted in 1933, is repealed.

CHAPTER 360

An act to amend Section 428 of the Fish and Game Code, and Section 7149 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to sport fishing licenses.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 428 of the Fish and Game Code is amended to read:

Class B sporting fishing license

428. Class B. A sporting fishing license, granting the privilege to take fish for purposes other than profit shall be issued:

Persons eligible

(a) To any citizen of the United States, over the age of 16 years, who is a resident of the State, upon the payment of three dollars ($3).

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10).

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3) for a period of 10 days from date of issue.

(d) To any person receiving aid to the aged under the provisions of the Old Age Security Law, on application to the department without charge.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 428 of the Fish and Game Code, adopted in 1933, is repealed. Effect Stats 1957, Ch 456

CHAPTER 361

An act to amend Sections 3, 18, 19 and 22 and to repeal Section 21 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.] In effect immediately

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

SECTION 1. Section 3 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 3. As used in this act the following words shall have the respective meanings stated:

(a) "District" shall mean the San Benito County Water Conservation and Flood Control District.

(b) "Board" shall mean the board of directors of the district.

(c) "County" shall mean the County of San Benito, State of California.

(d) "United States" shall mean the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

(e) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California.

(f) "Work or works" shall include the dams and damsites, reservoirs and reservoir sites, conduits and other facilities useful in the control, conservation, diversion and transmission

of waters and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(g) "Elector" shall mean any real property owner as shown by the last equalized assessment roll of the county, who owns land in the district or in a zone or proposed zone affected or to be affected by any election held under this act. Each elector shall be entitled to only one vote on each measure submitted at any election in the district or in any zone or proposed zone, even though such elector is shown on the assessment roll as the owner of more than one lot or parcel or tract of land in the district or in such zone or proposed zone; provided, that each elector shall be entitled to one vote in each zone in which he is a real property owner. If the assessment roll shows that land is owned by two or more persons as joint tenants, or by two or more persons otherwise than as joint tenants, any one or more of such persons may vote. If the assessment roll shows that land is assessed to an unknown owner or to any one other than the true owner, any person who files with the board of election a certificate of a title insurance or abstract company certifying that he is the true owner of such land at the date of election, or at any time within five days previous thereto, together with an affidavit signed by him that he is the owner of such land at the time of the election, shall be entitled to vote in like manner as if his name appeared upon the assessment roll If the assessment roll shows that land is owned by a corporation or partnership, the vote of such owner shall be cast by any person who files with the board of election a proxy from such corporation or partnership. If the assessment roll shows that the land is owned by an estate, any executor, administrator, special administrator, guardian or trustee of such estate may cast the vote of the estate represented by him upon filing with the board of election a certified copy of his letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at any election unless he files with the board of election a written proxy duly acknowledged and certified in the same manner as grants of real property.

(h) "Flood and storm waters" shall mean waters in excess of the seasonal normal flow of the streams in which they occur that are not usable beneficially as part of the ordinary flow of such streams and which, if not intercepted, would escape from the County of San Benito.

(i) "May" is permissible, and "shall" is mandatory.

SEC 2. Section 18 of said act is amended to read:

Sec. 18. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said

bonds. The board shall cause a copy of the resolution duly certified by the clerk, to be filed for record in the Office of the Recorder of San Benito County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, and the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish a special bond election precinct or precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State, except that voters shall be electors as defined in this act. It shall be the duty of the county assessor to provide a list of landowners, which list shall be the list of electors for purposes of this section. Preparation of such list shall be a charge against the county general fund.

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 3. Section 19 of said act is amended to read:

Sec. 19. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date, not more than two (2) years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth (1/40) of the indebtedness of such issue or series shall be paid every year. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 4. Section 21 of said act is repealed.

SEC. 5. Section 22 of said act is amended to read:

Sec 22. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax upon all land in the zone or participating zones, or, in any zone or participating zones for flood control, upon all land and improvements thereon in the zone or participating zones, sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. It is hereby declared that for the purposes of any tax levied pursuant to this section, the property so taxed within a given zone is equally benefited. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in

the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said San Benito County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said San Benito County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 6. 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: Water conservation and flood control projects are urgently needed in San Benito County Flood Control and Water Conservation District and the zones thereof, which projects can be financed only by the authorization, issue and sale of bonds of the district or of the respective zones. The amendments to the act governing the district, as set forth in this act, are necessary in order to clarify the provisions applicable to electors entitled to vote at district or zone bond elections and to clarify the provisions applicable to the authorization, issue and sale of bonds of the district or of zones thereof. It is accordingly necessary that this act take effect immediately.

CHAPTER 362

An act to amend Section 2924c of the Civil Code, relating to mortgages and deeds of trust.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 2924c of the Civil Code is amended to read:

Cure of default

2924c. Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance

of record thereon, at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding one hundred dollars ($100) in case of a mortgage and fifty dollars ($50) in case of a deed of trust or one-half of one per cent of the entire unpaid principal sum secured, whichever is greater) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Code.

CHAPTER 363

An act to repeal Sections 7050, 8112 and Division 9 (Sections 10000-10679, inclusive) of, and to add Division 9 (Sections 10000 to 10690, inclusive) to, the Health and Safety Code and to amend Section 291 of the Elections Code; and to amend Section 69a of the Civil Code, and to amend Section 7024 of the Health and Safety Code; relating to the preservation of the public health and safety, including the registration of births, deaths and marriages, the health and safety of persons, the custody and disposition of dead bodies, the safety and protection of property, and matters incidental thereto.

(Prepared pursuant to Senate Resolution 101, General Session of 1955, to revise and consolidate the public health statutes.)

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.] In effect September 11, 1957

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

SECTION 1. Sections 7050, 8112, and Division 9 (Sections 10000-10679, inclusive), of the Health and Safety Code, are repealed. Repeal

SEC. 2. Division 9, consisting of Sections 10000 to 10690, inclusive, is added to the Health and Safety Code, to read:

DIVISION 9. VITAL STATISTICS

CHAPTER 1. GENERAL PROVISIONS

Registration

10000. Each live birth, fetal death, death, and marriage which occurs in the State shall be registered as provided in this division on the prescribed certificate forms.

Enforcement

10001. The State Department of Public Health is charged with the uniform and thorough enforcement of this division throughout the State, and may promulgate additional regulations for its enforcement.

Regulations

10002. The state department may make and enforce regulations for the embalming, cremation, interment, disinterment and transportation of the dead in matters relating to communicable diseases.

Information re disease

10003. The State Registrar shall inform all local registrars which diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state department, in order that when deaths occur in which such diseases are involved, proper precautions may be taken to prevent their spread.

Certificates

10004. All certificates of live birth, fetal death, death, or registry of marriage shall be written legibly, in durable black ink, and a certificate is not complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

Supplying information

10005. All physicians, informants, funeral directors, clergymen, or judges and all other persons having knowledge of the facts, shall supply upon the prescribed forms such information as they may possess regarding any birth, fetal death, death, or marriage upon demand of the State or local registrar.

Change of certificate

10006. No alteration or change in any respect shall be made on any certificate after its acceptance for registration by the local registrar, or on other records made in pursuance of this division, except where supplemental information required for statistical purposes is furnished.

Records of patients

10007. Every person in charge of a hospital or other institution to which persons are admitted for treatment or confinement shall make a record of the personal, medical and other information for each patient sufficient and adequate for the completion of a birth or death certificate.

Religious objection to information

10008. When objection is made by either parent to furnishing information relating to the medical and health condition of a live born child because of conflict with religion, such information shall not be required to be entered on a certificate of live birth.

CHAPTER 2. ADMINISTRATION

Article 1. State Administration

State Registrar of Vital Statistics

10025. The Director of Public Health shall be the State Registrar of Vital Statistics.

Supervision

10026. The State Registrar is charged with the execution of the provisions of this division in this State, and has supervisory power over local registrars, so that there shall be uniform compliance with all of the requirements of this division.

Investigation

10027. The State Registrar may investigate cases of irregularity or violations of provisions of this division.

Reports of violations

10028. When the State Registrar deems it necessary, he shall report cases of violation of any of the provisions of this division to the district attorney of the county where the violation occurred, with a statement of the facts and circumstances; and the district attorney shall forthwith initiate and promptly follow up with the necessary court proceedings.

Enforcement by Attorney General

10029. The Attorney General shall assist in the enforcement of the provisions of this division upon request of the State Registrar.

Record forms

10030. The State Registrar shall prescribe and furnish all record forms for use in carrying out the purposes of this division, and no record forms other than those so prescribed and furnished shall be used.

Instructions

10031. The State Registrar shall prepare and issue such detailed instructions as may be required to procure the uniform observance of this division and the maintenance of a satisfactory system of registration.

Registration districts

10032. The State Registrar shall establish registration districts within the State for the purposes of this division.

Conference of local registrars

10033. The State Registrar of Vital Statistics may call into conference the local registrars or their chief deputies, in such groups and at such place or places within the State as may be designated by him, to meet with him or his duly authorized representatives, for the purpose of discussing problems dealing with registration of births, fetal deaths, deaths, and marriages, in order to promote uniformity of policy and procedure throughout the State in matters pertaining to vital registration; provided further, that the actual and necessary expenses incident to attendance at not more than one such meeting per year shall with the prior approval of the local legislative body be a legal charge against the local governmental unit.

Certificates Examination

10034. The State Registrar shall carefully examine the certificates received from the local registrars, and if they are incomplete or unsatisfactory shall require such further information as may be necessary to make the record complete and satisfactory.

Same Preservation

10035. The State Registrar shall arrange and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all certificates registered.

Article 2. Local Administration

Local registrar

10050. The health officer of any approved local health department, as defined in Division 1, Part 2, Chapter 8 of this code and approved thereunder, is the local registrar in and for all registration districts within that health jurisdiction

and shall perform all the duties of local registrar of births and deaths.

Same

10051. In other areas, the State Registrar shall appoint a local registrar of births and deaths for each registration district, whose term of office shall be four years. The State Registrar may remove such appointee forthwith for failure or neglect to perform his duty.

County recorder

10052. The county recorder is the local registrar of marriages and shall perform all the duties of the local registrar of marriages.

Duties of deputies

10053. Each assistant or deputy of a local registrar may perform all of the duties of the local registrar in the name and place of his principal.

Enforcement

10054. Each local registrar is hereby charged with the enforcement of the provisions of this division in his registration district under the supervision and direction of the State Registrar and shall make an immediate report to the State Registrar of any violation of this law coming to his knowledge.

Forms

10055. Each local registrar shall supply blank forms to such persons as require them.

Examination

10056. The local registrar shall carefully examine each certificate before acceptance for registration and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory before acceptance for registration.

Registration acceptance date

10057. The local registrar shall affix his signature to each certificate in attest to the date of acceptance for registration in his office.

Numbering certificates

10058. The local registrar shall number the certificates of live birth, fetal death, death and marriage consecutively in separate series, beginning with number one for the first event in each calendar year.

Copies

10059. The local registrar shall make a complete and accurate copy of each certificate accepted for registration and shall preserve it in his office as the local registrar's copy of the record in the manner directed by the State Registrar.

Transmittal Copies

10060. Each local registrar of births and deaths, except a local registrar of a city and county and the local registrars of cities of over 1,000,000 population, shall transmit to the county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original certificate, which shall exclude the medical and health section data.

Same: Original certificate

10061. The local registrar of births and deaths shall transmit each week to the State Registrar all original certificates accepted for registration by him during the preceding week.

Same

10062. The local registrar of marriages shall transmit to the State Registrar on or before the fifth day of each month all original certificates of registry of marriage accepted for registration by him during the preceding month. Certificates may be transmitted at more frequent intervals by arrangement with the State Registrar.

Notification re deceased adults

10063. The local registrar of births and deaths shall furnish to the registrar of voters or county clerk not later than the fifteenth day of each month a notification of all deceased persons 21 years of age and over whose death was registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death for each such decedent.

Disposal of copies

10064. The local registrar of births and deaths, after five years from the date of registration and with the approval and under the supervision of the State Registrar, may dispose of the local registrar's copies of the records; provided, that the original copies of such records are determined to be on file in the office of the State Registrar; and provided further, that copies of such records are determined to be on file in the office of the county recorder. If the county recorder does not have copies of such records, he is hereby authorized to accept such local registrar's copies as a special county record of the events.

Births and deaths filed before July 1, 1905

10065. The county recorder is hereby authorized to receive original records or abstracts of records of any birth or death which were filed with any political subdivision prior to July 1, 1905, and to retain them as a special county record of the events.

Chapter 3. Live Birth Registration

Article 1. Duty of Registering Live Birth

Live births Registration

10100. Each live birth shall be registered with the local registrar of births and deaths for the district in which the birth occurred within four days following the event.

Responsibility

10101. For live births which occur in a hospital, the physician in attendance upon the birth shall be responsible for registering the certificate with the local registrar.

Same

10102. For live births which occur outside of a hospital, the physician in attendance at the birth; or in the absence of a physician, either one of the parents shall be responsible for entering the information on the certificate, securing the required signatures, and for registering the certificate with the local registrar.

Article 2. Content of Certificate of Live Birth

Certificate of live birth Contents

10125. The certificate of live birth shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the birth and the second section shall contain those items relating to medical and health data. The first section shall contain the following and such other items as the State Registrar may designate:

(a) Full name and sex of child;

(b) Date of birth, including month, day and year;

(c) Place of birth;

(d) Full name of father, birthplace of father, and color or race of father;

(e) Full maiden name of mother, birthplace of mother, color or race of mother;

(f) Multiple births and birth order of multiple births;

(g) Signature and certification of attendant; and

(h) Date accepted for registration and signature of local registrar.

The second section shall contain such medical and health items as the State Registrar may designate.

Footprints and fingerprints

10126. The footprints of the child and the fingerprints of the mother shall be imprinted on the reverse side of the original certificate only.

Article 3. Foundling Registration

Certificate re foundlings

10150. A certificate of finding of an unidentified live child of less than one year of age shall be registered with the local registrar of births and deaths by the person or institution with whom the child is placed, within four days following the finding.

Contents

10151. The certificate shall include the name, sex, color or race, the date and place of finding, and the name of the person or institution with whom the child is placed.

Information

10152. The person or institution with whom the child is placed shall give the child a name; the place in which the child is found shall be known as the legal place of birth; and the date of birth shall be determined as closely as possible and shall be known as the legal date of birth.

Handling and effect

10153. The certificate of finding shall be handled in the same manner and shall serve all the purposes of a certificate of live birth.

Identification of child

10154. If the child is later identified and a certificate of birth found or obtained, the fact shall be reported to the State Registrar and he shall enter this upon the certificate of finding, with citation to the certificate of birth.

Chapter 4. Fetal Death Registration

Article 1. Duty of Registering Fetal Death

Registration of fetal deaths

10175. Each fetal death in which the fetus has advanced to or beyond the twentieth week of uterogestation shall be registered with the local registrar of births and deaths of the district in which the fetal death was officially pronounced within five days following the event and prior to any disposition of the fetus.

Certificate

10176. A funeral director, or if there is no funeral director, the person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

Information

10177. He shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

Article 2. Responsibility of Attending Physician

Attending physician's statement

10180. The physician, if any, in attendance on the delivery of a fetus shall within 15 hours after the delivery state on the certificate of fetal death the time of fetal death or delivery, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts.

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Article 3. Responsibility of Coroner

Where no attending physician

10185. All other fetal deaths required to be registered under this chapter shall be handled as are deaths without medical attendance

Coroner's statement

10186. The coroner shall within three days after examination of the fetus state on the certificate of fetal death the time of fetal death, the direct causes of the fetal death, the conditions, if any, which gave rise to these causes, and such other medical and health section data as may be required on the certificate, and shall sign the certificate in attest to these facts The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Article 4. Content of Certificate of Fetal Death

Certificate of fetal death Contents

10190. The certificate of fetal death shall contain such items as may be designated by the State Registrar and shall be divided into two sections; the first section shall contain those items necessary to establish the fact of the fetal death and the second section shall contain those items relating to medical and health data.

Chapter 5. Death Registration

Article 1. Duty of Registering Death

Registration of death

10200. Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within five days after death and prior to any disposition of the human remains.

Certificate

10201. A funeral director, or person acting in lieu thereof, shall prepare the certificate and register it with the local registrar.

Information

10202. The funeral director shall obtain the required information other than medical and health section data from the person or source best qualified to supply this information.

Attestation

10203. The medical and health section data and the time of death shall be completed and attested to by the physician last in attendance; provided, such physician is legally authorized to certify and attest to these facts, or by the coroner in those cases in which he is required to complete the medical and health section data and certify and attest to these facts.

Completion and delivery

10204. The medical and health section data and the physician's or coroner's certification shall be completed by the attending physician within 15 hours after the death, or by the coroner within three days after examination of the body.

The physician shall within 15 hours after the death deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business or at the office of the physician.

Embalmer's signature

10205. An embalmer may authorize his signature to be affixed to the certificate after he has embalmed a body, as required by this chapter, by a written special power of attorney which shall be retained for a period of one year.

Article 2. Responsibility of Attending Physician

Attending physician's statement

10225. The physician last in attendance on a deceased person shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate; he shall also specify the time in attendance, the time he last saw the deceased person alive, and the hour and day on which death occurred, except in deaths required to be investigated by the coroner.

Article 3 Responsibility of Coroner

Notification of coroner

10250 A physician, funeral director, or other person shall immediately notify the coroner when he has knowledge of a death which occurred or has charge of a body in which death occurred:

(a) Without medical attendance;

(b) During the continued absence of the attending physician;

(c) Where the attending physician is unable to state the cause of death;

(d) Where suicide is suspected;

(e) Following an injury or an accident; or

(f) Under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

Investigation

10251. The coroner whose duty it is to investigate such deaths shall ascertain as many as possible of the facts required by this chapter.

Coroner's statement

10252. The coroner shall state on the certificate of death the disease or condition directly leading to death, antecedent

causes, other significant conditions contributing to death and such other medical and health section data as may be required on the certificate, and the hour and day on which death occurred.

The coroner shall within three days after examining the body deliver the death certificate to the attending funeral director.

Article 4. Content of Certificate of Death

Death certificate

10275. The certificate of death shall be divided into two sections. The first section shall contain those items necessary to establish the fact of the death, including the following and such other items as the State Registrar may designate:

(a) Personal data concerning decedent including full name, sex, color or race, marital status, name of spouse, date of birth and age at death, birthplace, usual residence, and occupation and industry or business;

(b) Date of death, including month, day, and year;

(c) Place of death;

(d) Full name of father and birthplace of father, and full maiden name of mother and birthplace of mother;

(e) Informant;

(f) Disposition of body information including signature and license number of embalmer if body embalmed or name of embalmer if affixed by attorney-in-fact; name of funeral director, or person acting as such; and date and place of interment or removal;

(g) Certification and signature of attending physician or certification and signature of coroner when required to act by law; and

(h) Date accepted for registration and signature of local registrar.

The second section shall contain those items relating to medical and health data, including the following and such other items as the State Registrar may designate:

(a) Disease or conditions leading directly to death and antecedent causes;

(b) Operations and major findings thereof; and

(c) Accident and injury information.

Chapter 6. Marriage Registration

Article 1. General Provisions

Prescription of forms for marriage license, etc.

10300. The forms for the application for license to marry, the certificate of registry of marriage including the license to marry, and the marriage certificate shall be prescribed by the State Registrar.

Article 2. Duty of Registering

Registration of marriage

10325. Each marriage which is performed shall be registered by the person performing the ceremony within four days

after the ceremony with the local registrar of marriages for the county in which the marriage license was issued.

Article 3. Content of Certificate of Registry of Marriage

Marriage certificate

10350. The certificate of registry of marriage shall contain as nearly as can be ascertained the following and such other items as the State Registrar may designate: the first section shall include the personal data of parties married, including the race or color, age, full name, birthplace, residence, names and birthplaces of the parents, maiden name of the mothers, the number of previous marriages, marital status, and the maiden name of the female if previously married; the second section shall include the signatures of parties married, license to marry, county and date of issue of license, and the marriage license number; and the third section shall include the certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest or minister, and the signature and address of one or more witnesses to the marriage ceremony.

CHAPTER 7. PERMITS FOR DISPOSITION OF HUMAN REMAINS

Interment in cemetery

10375. No person shall inter in any cemetery any human body unless (a) there has been obtained and filed with the local registrar of the city or county where death occurred, a death certificate, and (b) there has been obtained from the local registrar a permit for disposition.

Permit for disposition

10376. If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, which in all cases shall specify the name of a cemetery where the remains shall be interred, except that in case the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under such conditions as may be prescribed by the state department and local health officers.

Temporary holding of body

10377. The body of any person whose death occurs in this State, or whose body is found in the State, or which is brought in from outside the State, shall not be temporarily held pending disposition more than five days after death, unless a permit for disposition is issued by the local registrar of the registration district in which the death occurred or the body was found.

Delivery

10378. The permit shall accompany the body to its destination, where, if within this State, it shall be delivered to the person in charge of the place of interment.

Signature, etc.

10379. The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment or cremation, and within 10 days, return the

permit so endorsed to the local registrar of the district in which the interment took place.

Local permit

10380. When human remains are transported from outside the State into a registration district in California for interment, the permit for disposition, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the human remains have been transported, as a basis upon which he shall issue a local permit, noting upon the face of the permit the fact that human remains were shipped in for interment and the place of death.

Removal of body from registration district

10381. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

Validity

10382. A permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment and shall be issued in duplicate. Further permit for interment shall not be required, but any local interment fees required by law or ordinance shall be paid.

Cemetery in two districts

10383. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in such cemetery shall entitle interment to be made within or without the district to which such permit is directed. Such permit shall be returned to the registration district in which the interment is made irrespective of the district to which it is directed. The local registrar of the district in which such interment is made shall forthwith file such permit on presentation without charge.

Permit for disinterment, etc.

10384. Permits for the disinterment or removal of interred remains shall be required, as specified in Part 2 of Division 7 of this code.

Chapter 8. Amendment of Records

Article 1. Amendment of a Record of Birth, Death or Marriage

Amendment of record. Affidavit

10400. Whenever the facts are not correctly stated in any certificate of birth, death, fetal death, or marriage already registered, the person asserting that the error exists may make an affidavit under oath stating the changes necessary to make the record correct, which shall be supported by the affidavit of one other credible person having knowledge of the facts, and file it with the state or local registrar.

Review by local registrar

10401. If the amendment relates to a certificate which has not been transmitted to the State Registrar, the local registrar shall review the amendment for acceptance for filing, and if accepted shall file the amendment and shall note the fact

of the amendment, with its date, on the otherwise unaltered original certificate.

Review by State Registrar

10402. If the amendment relates to a certificate which has been transmitted to the State Registrar, the amendment shall be transmitted to the State Registrar who shall review it for acceptance for filing.

Copies

10403. If the amendment is accepted, the State Registrar shall transmit copies of the amendment to the local registrar and county recorder in whose offices copies of the original record and information are on file.

Filing

10404. The amendment shall be filed with and become a part of the record to which it pertains

Article 2. Amendment of a Death Record of a Previously Unidentified Body

Death certificate: Previously unidentified body

10410. The coroner having jurisdiction shall register with the local registrar of births and deaths a certificate of death giving the name of the person and all statistical particulars which have been discovered concerning him, in the case of the identification of a person previously unidentified at the time of the original registration of the death.

10411. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter.

Article 3. Supplemental Name Reports

Supplemental name report

10420. When any certificate of birth of a living child is registered without the name of the child being entered thereon, the local registrar shall make out and deliver to the parents of the child a special blank for a supplemental report of the name of the child.

Completion by parent

10421. The parents shall complete the report and return it to the local registrar as soon as the child is named.

10422. This amendment to the record shall be handled in the manner prescribed in Article 1 of this chapter.

Article 4. Amendment of Birth Record After Adoption

Report on adoption

10430. The clerk of the court shall complete a report upon a form provided for that purpose and forward the report to the State Registrar within five days after a decree of adoption has been entered declaring a child legally adopted by any court in the State.

Transmittal of reports

10431. The court reports of adoption which are received by the State Registrar for births which occurred in another state, the District of Columbia, in any territory of the United States, or Canada shall be transmitted to the registration authority of the place of birth.

New birth certificate

10432. A new birth certificate shall be established by the State Registrar upon receipt of a report of adoption from any court of record which has jurisdiction of the child of this

State, another state, the District of Columbia, or in any territory of the United States, for any child born in California and whose certificate of birth is on file in the Office of the State Registrar.

Contents

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his foster parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents.

Superseding of prior certificate

10434. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection.

Duties of local registrar

10435. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article.

Court order delayed birth registration

10436. For court reports of adoptions received from any court of record of this State, another state, the District of Columbia, or in any territory of the United States, which has jurisdiction of a child born in this State and for whom no original record of birth is on file in the Office of the State Registrar the court report of adoption shall constitute a court order delayed birth registration; provided, the court report contains a statement of the date and place of birth.

Same

10437. A court report of adoption received from any court of record in this State, wherein the birth occurred outside the United States, the Territories of the United States, or Canada shall constitute a court order delayed registration of birth; provided, the court report contains a statement of the date and place of birth.

Filing

10438. The court report of adoption shall be filed with the original record of birth, which shall remain as a part of the records of the State Registrar.

Availability of records, etc.

10439. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Article 5. Amendment of Birth Record After Legitimation

Affidavit re legitimation

10440. Whenever a child becomes legitimate by the subsequent marriage of its parents an affidavit of that fact may be filed by his parents with the State Registrar upon a form provided for that purpose.

New birth certificate

10441. A new birth certificate shall be established by the State Registrar upon receipt of such an affidavit for any child born in this State and whose certificate of birth is on file in the Office of the State Registrar.

Contents

10442. This new birth certificate shall bear the name of the child as shown in the affidavit, name and ages of his parents, the date and place of birth, and no reference shall be made in the birth certificate to the fact of legitimation.

Same

10443. The new certificate shall be identical with the certificate registered for the birth of a child born in wedlock.

Superseding of prior certificate

10444. The new birth certificate shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection.

Duties of local registrar

10445. When a new birth certificate is established under the provisions of this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward such copies to the State Registrar for filing with the original certificate, if it is practical for him to do so. If it is impractical for him to forward the copy to the State Registrar, he shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward a verified statement of his action to the State Registrar. Thereafter the information contained in such record shall be available only as provided in this article.

Filing

10446. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the State Registrar.

Availability of records, etc.

10447. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon the order of a court of record.

Article 6. Amendment of Birth Record After Adjudication or Acknowledgment of Paternity

Amendment re paternity

10450. Whenever the paternity of a child has been established by judicial decree or whenever the mother and father acknowledge paternity of a child by affidavit, and upon receipt of the court report or affidavit, the State Registrar shall establish a new birth certificate for such child, and all records relating to this birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

Article 7. Amendment of Birth Record to Reflect Change in Surname of Parents

Affidavit re change of surname

10460. 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.

New birth certificate

10461. Upon receipt of the affidavit and a copy of the court order and upon payment of the required fee, the State Regis-

trar shall establish a new birth certificate for the child reflecting this change in surname, and all records relating to this birth shall be handled in the manner prescribed in Article 5 of this chapter, if the original record of birth is on file in the Office of the State Registrar.

CHAPTER 9. ADMINISTRATIVE PROCEDURE TO ESTABLISH RECORD OF BIRTH

Article 1. General Provisions

Alternative method

10500. The provisions of this chapter are not exclusive of the provisions of Chapters 3 and 10 of this division, but offer an alternative method of establishing a record of birth.

Delayed birth certificates

10501. Delayed certificates of birth issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates of decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of obtaining the certificate.

Delayed birth registration

10502. An application may be filed with the State Registrar for the delayed registration of birth of any person born in this State whose birth is not registered. Such application may be made only by the person whose birth is being registered if he is 18 years of age or over at the time of filing the application. If the person whose birth is being registered is under 18 years of age at the time of filing the application, the application may be made only by his mother, father, guardian or attendant at birth.

Article 2. Application

Application

10510. The application shall be made on the forms prescribed and furnished by the State Registrar and shall contain such information and shall be accompanied by such affidavits and documentary evidence as required to enable the State Registrar to determine whether such birth did in fact occur at the place and date alleged.

Article 3. Evidence

"Affidavit"

10520. "Affidavit," as used in this chapter, is defined as a written statement executed under oath by a person who at the time of birth was of sufficient age to have knowledge of the facts of birth and shall include the full name of the person whose birth is being registered, the names of his parents, the date and place of his birth and the basis of the affiant's knowledge of these facts.

"Documentary evidence"

10521. "Documentary evidence," as used in this chapter, is defined as original or certified copies of a record which was executed at least five years prior to the date of application, and which substantiates the date and place of birth of the person whose birth is being registered; except that if the person whose birth is being registered is under 12 years of age the record shall have been executed only at least two years

before the date of application. Examples of documentary evidence which shall generally be considered acceptable are hospital records of birth, baptismal certificates or other church records, school records, census records, statements in applications for insurance policies, military service records, voting registration records, family Bible records, birth certificate of child of person whose birth is being registered, certificates of registry of marriage, and newspaper notices of birth.

One affidavit

10522. For births which are being registered under this chapter wherein the date of application is less than seven years following the date of birth, only one affidavit of the physician or other attendant at birth, mother or father of the person whose birth is being registered is required.

More than one affidavit, etc

10523. For births which are being registered under this chapter wherein the date of application is seven years or more following the date of birth there shall be required documentary evidence and affidavits as follows:

(a) Two pieces of documentary evidence, at least one of which shall support the parentage, or

(b) One piece of documentary evidence and one affidavit executed by the physician or other attendant, or

(c) One piece of documentary evidence and two affidavits executed by either the mother, father, or other persons having knowledge of the facts of birth.

Article 4. Registration

Review and acceptance by State Registrar

10530. Upon receipt by the State Registrar of an application for delayed registration of birth and payment of the required fee, he shall review the application together with the affidavits and documentary evidence accompanying it and shall accept the application if the application and evidence submitted comply with the provisions of this chapter. After acceptance by the State Registrar the application shall constitute a delayed certificate of birth, and the State Registrar shall permanently preserve such certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all such certificates.

Copy to applicant

10531. The State Registrar shall send a certified copy of the delayed certificate of birth to the applicant without additional cost.

Copies

10532. The State Registrar shall send certified copies of the delayed certificate of birth to the local registrar and the county recorder within which area the birth occurred and in whose offices copies of records of the year of occurrence of the event are on file.

Chapter 10. Court Proceedings to Establish Record of Birth, Death or Marriage

Petition

10550. A verified petition may be filed by any beneficially interested person with the county clerk of the superior court in and for (a) the county in which the birth, death or mar-

riage is alleged to have occurred, or (b) the county of residence of the person whose birth or marriage it is sought to establish, or (c) the county in which such person was domiciled at the date of death, if such person has died, for an order to judicially establish the fact of, and the time and place of a birth, death or marriage which is not registered or for which a certified copy is not obtainable.

Contents

10551. The petition shall be verified and shall contain all the facts necessary to enable the court to determine the fact of and the time and place of the birth, death, or marriage upon the proofs adduced in behalf of the petitioner at the hearing.

Same

10552. If the time and place of birth are not known, the petition shall contain all of the facts known to the petitioner or otherwise available and a statement of the probable time and place of birth as accurately as the circumstances permit. Such petition shall be verified as to the known facts only.

Hearing

10553. Upon the filing of the petition a hearing shall be fixed by the clerk and at the convenience of the court set at a time not less than five nor more than 10 days after the filing of the petition. The hearing may be held in chambers. The court, for good cause, may continue the hearing beyond the 10-day period.

Fee

10554. The fee for filing the petition shall be three dollars ($3), one dollar ($1) of which shall go to the law library fund of the county. In counties having more than one superior court judge, the petition may be heard by any judge thereof hearing probate matters, or if a probate department has been designated for hearing probate matters, the clerk shall assign the matter to the probate department for hearing.

Court order

10555. If, upon the hearing, the allegations of the petition are established to the satisfaction of the court, the court may make an order determining that the birth, death, or marriage did in fact occur at the time and place shown by the proofs adduced at the hearing.

Evidence and determination

10556. If the time and place of birth are not known, the court shall receive and consider such evidence and testimony as may be available and from the facts adduced may, by order, fix the time and place which the court finds to be a probable time and place of birth of the person in relation to whom the petition has been filed, as the time and place of such birth. The time and place so fixed shall thereafter for all purposes be the time and place of birth of such person.

Form

10557. The order shall be made in the form and upon the blank prescribed and furnished by the State Registrar and shall become effective upon a filing of a certified copy with the State Registrar.

Copies

10558. The State Registrar shall send certified copies of the court order delayed certificate to the local registrar and the county recorder within which area the event occurred and in whose offices copies of records of the year of occurrence of the event are on file, except that if the event occurred outside

the State, a certified copy shall be sent only to the county recorder of the county in which the petitioner resides.

CHAPTER 11 CERTIFIED COPY AND VERIFICATION OF RECORDS

Certified copy of record

10575. The State Registrar, local registrar or county recorder shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, fetal death, death, or marriage registered with him.

By whom made

10576. Certified copies of birth, fetal death, death, and marriage records may be made only by the State Registrar, by duly appointed and acting local registrars during their term of office, and by county recorders

Prima facie evidence

10577. Any birth, fetal death, death, or marriage record which was registered within a period of one year from the date of the event under the provisions of this division, or any copy of such record or part thereof, properly certified by the State Registrar, local registrar, or county recorder, is prima facie evidence in all courts and places of the facts stated therein.

Short form of certification Birth registration

10578 A short form of certification of birth registration which shall contain only identification information may be issued by the State Registrar, by the county recorder, or by any local registrar.

Same Death registration

10579. A short form of certification of death registration, including only identification information and excluding the medical statement of the cause of death, may be issued by the State Registrar, county recorder, or any local registrar, upon forms prescribed and furnished by the State Registrar.

Transcripts to Public Health Service

10580. Transcripts of records of births, fetal deaths, deaths, and marriages may be obtained by the United States Public Health Service from the State Registrar, without expense to the State and without payment of fees prescribed in this division.

Limited certification

10581. A certification limited to a statement as to the date of birth of any child needed for admission to school or for the purpose of securing employment shall be issued without fee by the local registrar upon request of any parents or guardian.

Verification

10582. The state or local registrar may, without fee verify a date and place of birth, when the applicant can present sufficient information to identify the birth record.

CHAPTER 12. FEES OF STATE AND LOCAL REGISTRARS

Article 1. General Provisions

Account of fees

10600 The State Registrar and local registrars shall keep a true and correct account of all fees received by them.

Deposit

10601. The money collected by the State Registrar shall be deposited with the State Treasurer for credit to the General Fund.

Collections by local registrar

10602. The money collected by the local registrar shall be paid by him into the county or city treasury.

Article 2 Fee for Certified Copy or Search of Records

Fee Certified copy

10605. The fee for making a certified copy of a birth, fetal death, death, or marriage record shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents ($1.50) for each certified copy.

Search of files and records

10606. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant and shall be fixed by the State Director of Public Health, subject to the approval of the State Director of Finance. The fee shall not exceed one dollar and fifty cents ($1.50) for each hour or fractional hour of time of search.

Article 3. Other Fees

Fees Permit for disinterment

10610. The fee for issuance of a permit for disinterment of human remains is fifty cents ($0.50), payable to the local registrar by the applicant for the permit.

New birth certificate

10611. A fee of two dollars ($2) shall be paid to the State Registrar by the applicant for the establishment of a new certificate of birth under the provisions of Article 7 of Chapter 8 of this division.

Delayed birth registration

10612. A fee of four dollars ($4) shall be paid to the State Registrar by the applicant at the time of application for a delayed birth registration under the provisions of Chapter 9 of this division. Upon acceptance of the application the State Registrar shall retain three dollars ($3) and shall transmit one dollar ($1) to the local registrar from each such fee.

Chapter 13. Compensation of Appointed Local Registrars of Births and Deaths

Certification to county auditors

10650. For local registrars serving under authority of Section 10051 of this division the State Registrar shall quarterly certify to the auditors of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed by this division.

Payment of amounts

10651. All amounts shall be paid by the treasurer of the county in which the registration district is located, upon warrants drawn by the auditor; provided, that no fee shall be paid by the county to any local registrar who is also a city or county officer or employee and whose salary is by law the sole compensation for his services.

Compensation

10652. Each local registrar entitled to compensation shall be paid the sum of fifty cents ($0.50) for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the State Registrar out of which fees he shall pay the subregistrar the sum of thirty cents ($0.30) in

each case where the certificate is registered with the subregistrar.

Same

10653. If no births or no deaths were registered during any week the local registrar is entitled to be paid the sum of fifty cents ($0.50) for each report to that effect, but only if the report is made promptly as required by this division.

CHAPTER 14. PENALTIES

Article 1. Misdemeanors

Misdemeanors False information

10675. Every person who refuses or fails to furnish correctly any information in his possession, or furnishes false information affecting any certificate or record, required by this division is guilty of a misdemeanor.

Falsifying certificate

10676. Every person who wilfully alters, otherwise than as permitted by this division, or falsifies any certificate of birth, fetal death, death, or registry of marriage, or any record established by this division is guilty of a misdemeanor.

Failure, etc., to fill out certificate

10677. Every person who is required to fill out a certificate of birth, fetal death, death, or registry of marriage and register it with the local registrar, or deliver it, upon request, to any person charged with the duty of registering it, and who fails, neglects, or refuses to perform such duty in the manner required by this division is guilty of a misdemeanor.

Failure, etc., to perform duty

10678. Every local registrar, deputy registrar, or subregistrar, who fails, neglects, or refuses to perform his duty as required by this division and by the instructions and directions of the State Registrar thereunder, is guilty of a misdemeanor.

Punishment

10679. The punishment for misdemeanors referred to in this chapter shall be as follows:

(a) For the first offense a fine of not less than ten dollars ($10).

(b) For each subsequent offense a fine of not less than fifty dollars ($50), or imprisonment in the county jail not more than 60 days, or by both.

Article 2. Felony

Felony Making false certificate, etc

Civil penalty

10690. Any person who wilfully makes or files or causes to be made or filed a false certificate or affidavit under the provisions of Chapter 9 of this division is guilty of a felony and is also liable to the State of California for a civil penalty in the amount of five hundred dollars ($500). Such civil penalty may be recovered in an action filed by the Attorney General in any court of competent jurisdiction. A penalty so recovered shall be paid into the State Treasury to the credit of the General Fund.

SEC. 3. Section 294 of the Elections Code is amended to read:

Notification re deceased adults

294. The local registrar of births and deaths shall furnish to the registrar of voters or county clerk not later than the

fifteenth day of each month a notification of all deceased persons 21 years of age and over whose death was registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death for each such decedent.

SEC. 4. Section 69a of the Civil Code is amended to read:

Marriage certificate

69a. All persons about to be joined in marriage must obtain from the county clerk of the county in which the license is issued, in addition to the license therefor provided for in Section 69 of the Civil Code, a certificate of registry of marriage as provided in Division 9 (commencing at Section 10000) of the Health and Safety Code containing the items therein listed which certificate of registry of marriage shall be filled out as provided, in the presence of the county clerk issuing the marriage license and shall then be presented to the person performing the ceremony who shall complete the certificate thereon and shall cause to be entered thereon the signature and address of one witness to the marriage ceremony. Such certificate of registry of marriage shall be filed by the person performing the ceremony with the local registrar for marriages (county recorder) of the county in which the license was issued within four days after the ceremony.

SEC. 5. Section 7024 of the Health and Safety Code is amended to read:

"Permit for disposition of human remains"

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains.

Construction of provisions

SEC. 6. The provisions of the Health and Safety Code added by this act, insofar as they are substantially the same as the provisions of said code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment. No action or proceeding relating to or arising out of the provisions of said code repealed by this act commenced before the effective date of this act, and no right accrued pursuant to said provisions, are affected by the repeal of said provisions by this act, but any step thereafter taken in such action or proceeding shall conform to the provisions added to said code by this act so far as possible.

CHAPTER 364

An act to amend Section 54516.2 of the Government Code, relating to the letting of contracts by local agencies.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 54516.2 of the Government Code is amended to read:

54516.2. The local agency shall let contracts made by it pursuant to Section 54516.1 to the lowest qualified 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.

The notice inviting bids shall distinctly and specifically describe the enterprise involved and the period of time for which the enterprise is to be operated or managed.

If no bid which the local agency finds to be reasonable and valid is received upon the original advertising, the local agency need not readvertise.

CHAPTER 365

An act to amend Section 28135 of the Government Code, and to amend Section 455 of the Education Code, relating to compensation for public service.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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 Compensation

28135. In any 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, six thousand six hundred dollars ($6,600) 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, ten thousand two hundred dollars ($10,200) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, for Districts 1 and 5, four thousand eight hundred dollars ($4,800) a year, effective January 1, 1959, and each supervisor, for Districts 2, 3, and 4, four thousand eight hundred dollars ($4,800) a year, effective January 1, 1961, 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.

In the event the constitutional restriction on increases in salaries to incumbent county officers is removed, or if, in any other manner, it becomes legally permissible to pay increased salaries to incumbent officers, the effective dates herein provided shall be disregarded and the salaries provided in this subdivision shall become effective immediately on the removal of the prohibition.

The incumbent supervisors shall receive three thousand six hundred dollars ($3,600) per year until such time as the increased salaries of this section become effective.

(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.

SEC. 2. Section 455 of the Education Code is amended to read:

455. The annual salary of the county superintendent of schools of a county of the fifty-fifth class is seven thousand dollars ($7,000), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

Trinity County Superintendent of schools, salary

CHAPTER 366

An act to amend Section 10270 of the Insurance Code, relating to insurance concerning distributors, wholesalers, dealers, or other personnel engaged in activities pertaining to the marketing and delivery of newspapers and magazines.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 10270 of the Insurance Code is amended to read:

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:

Exemptions

(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

Blanket policies

(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.

(d) To a blanket policy issued to a newspaper, farm paper, magazine, or other periodical publication providing benefits to independent contractors, such as newspaperboys, dealers, distributors, wholesalers, or other personnel, engaged in the sale, distribution, collecting for, or other activities pertaining to the marketing and delivery of such publications, including attendance at a coaching school, or participation as a member of a trip organized, supervised, and sponsored as a reward for meritorious service, or to parents, guardians, or other persons responsible for their support for loss resulting from accident or sickness.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

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.

"Blanket policy"

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 by commissioner

No policies described in subdivisions (a), (b), (c) or (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.

Limitation

Section 10130 does not apply to policies described in subdivision (e) hereof.

CHAPTER 367

An act to add Chapter 2.5 (consisting of Sections 10220 to 10225, inclusive) to Part 2 of Division 2 of the Insurance Code, relating to blanket life insurance.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Chapter 2.5 is added to Part 2 of Division 2 of the Insurance Code, to read:

CHAPTER 2.5. BLANKET LIFE INSURANCE

Blanket life insurance policies Term

10220. Any life insurer may issue policies of blanket life insurance for a term not exceeding one year with premium

rates less than the usual rates for such insurance. Such policies may thereafter be renewed.

Application

10221. The only forms of blanket life insurance are those set forth in this chapter.

Form

10222. Life insurance conforming to all the following conditions is one form of blanket life insurance:

(a) Written under a policy issued to a newspaper, farm paper, magazine, or other periodical publication;

(b) Insuring independent contractors, such as newspaper-boys, dealers, distributors, wholesalers, or other personnel, engaged in the sale, distribution, collecting for, or other activities pertaining to the marketing and delivery of publications referred to in subdivision (a), including attending coaching school or while participating in a trip organized, supervised, and sponsored as a reward for meritorious service, for amounts of insurance based upon a plan precluding individual selection;

(c) For the benefit of persons other than the policyholder;

(d) Where the premium is remitted by the policyholder;

(e) Insuring persons without any requirement for individual enrollment and without individual commitment or undertaking to pay, and with either the policyholder or the insured to pay all the premium or part of the premium as a condition precedent to coverage.

Construction

Nothing in this section shall be construed to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians. When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

Coverage

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.

Provisions

10223. A blanket life insurance policy may provide that the insurer is not liable, or is liable only in a reduced amount, for losses arising from conditions:

(a) Relating to war or acts of war;

(b) Relating to military or naval service;

(c) Relating to aviation.

After notice and hearing the commissioner may prescribe reasonable rules and regulations relative to the use of provisions permitted by this section in respect to policies outstanding or hereafter issued.

Conformance to conditions

10224. Policies of blanket life insurance may conform to the following conditions, any other provisions of this chapter notwithstanding:

(a) When issued in this State by any foreign insurer, such policies may contain any provision required by the law of the state under which the insurer is organized.

(b) When issued in other states or countries by domestic insurers, such policies may contain any provision required by the laws of the state, or country, in which they are issued.

10225. A policy of blanket insurance shall not be delivered or issued for delivery in this State until a copy of the form of the policy is filed with and approved by the commissioner. Approval by commissioner

---

CHAPTER 368

An act to amend Section 1340.8 of the Fish and Game Code, and amend Section 4184 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to bears.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1340.8 of the Fish and Game Code is amended to read:

1340.8. Notwithstanding any provision of this code, the owner of any livestock or timber, in person or by his agent, may, at any time, protect such livestock or timber from damage or threatened damage by bears by killing the bears by any method or means, except by use of poison; provided, that any federal or state trapper may kill bears at any time by any method or means, including the use of poison, when such bears are damaging or threatening damage to livestock or timber. The provisions of this section shall apply only to that part of District 1½ lying within Humboldt County. The commission shall have no power to modify the provisions of this section by any order, rule, or regulation under Article 1, Chapter 2, Division 1, of this code or any other provision of law, except that the method of setting any traps and of posting warning signs relating thereto may be prescribed by the commission. This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature. Killing of bears; Application; Commission's power

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 1340.8 of the Fish and Game Code adopted in 1933, is repealed. Effect Stats. 1957, Ch. 456

CHAPTER 369

An act to amend Section 1563 of the Financial Code, relating to registration of stock held in trust in name of trust company nominee.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1563 of the Financial Code is hereby amended to read:

1563. Any trust company acting in any capacity under a court or private trust or when acting in such capacity with one or more persons as cofiduciary or cofiduciaries, unless the instrument creating such trust contains a provision to the contrary, may, with the consent of such cofiduciary or cofiduciaries cause any stock or other securities held in any such capacity to be registered in the name of a nominee or nominees of such trust company and any trust company when acting as depositary or custodian for the trustee of any other court or private trust, unless the instrument creating the trust contains a provision to the contrary, may, with the consent of the trustee of such other trust, cause any stock or other securities held by it in such capacity to be registered in the name of a nominee or nominees of such trust company. Any such trust company shall be liable for any loss occasioned by the acts of any nominee of such trust company with respect to such stock or other securities so registered. The records of such trust company shall at all times show the ownership of any such stock or other securities. Such stock or other securities shall at all times be kept by such trust company separate and apart from its other assets. No domestic or foreign corporation or the registrar or transfer agent of any such corporation shall be liable for registering or causing to be registered on the books of such corporation any share or shares or other securities in the name of any nominee of such trust company or for transferring or causing to be transferred on the books of any such corporation any share or shares or other securities theretofore registered by such corporation in the name of any nominee of such trust company as herein provided when the transfer is made upon the authorization of such nominee.

CHAPTER 370

An act to amend Sections 155 and 911.23 of the Agricultural Code, relating to noxious weed seeds.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 155 of the Agricultural Code is amended to read:

155. The director, after investigation and practical survey, may by proclamation declare an area within this State to be practically free from one or more of the following species of plants: Johnson grass, Holcus halepensis; goat grass, Aegilops spp.; sand bur, Cenchrus pauciflorus; nut grass, Cyperus spp; Russian thistle, Salsola kali; camel thorn, Alhagi camelorum; pignut, Hoffmannseggia densiflora; Scotch broom, Cytisus scoparius; puncture vine, Tribulus terrestris; Syrian bean caper, Zygophyllum fabago; mallow, Malva sp.; white mallow, Sida hederacea; wavy-leaved gaura, Gaura sinuata; hoary cress, Lepidium spp. and Hymenophysa pubescens; Austrian field cress, Roripa austriaca; black currant, Ribes nigrum; wild current, Ribes sp.; water hemlock, Cicuta spp.; poison hemlock, Conium maculatum; Mexican whorled milkweed, Asclepias mexicana; wild morning glory, Convolvulus arvensis; dodder, Cuscuta spp.; Klamath weed, Hypericum perforatum; wild heliotrope, Heliotropium curassavicum; matrimony vine, Lycium sp; white horse-nettle, Solanum elaeagnifolium; Carolina horse-nettle, Solanum carolinense; chicory, Cichorium intybus; prickly lettuce, Lactuca scariola; blue lettuce, Lactuca pulchella; creeping sow thistle, Sonchus arvensis; fleabane, Erigeron linifolius; Helianthus spp.; spikeweed, Centromadia sp.; tarweed, Hemizonia sp.; tarweed, Madia sp; poverty weed, Iva axillaris; ragweed, Ambrosia sp.; burweed, Franseria spp.; cocklebur, Xanthium sp.; spiny clotbur, Xanthium spinosum; corn chrysanthemum, Chrysanthemum segetum; milk thistle, Silybum marianum; cardoon, Cynara cardunculus; bull thistle, Cirsium lanceolatum; Canada thistle, Cirsium arvense; Italian thistle, Carduus pycnocephalus and carduus tenuiflorus; Russian knapweed, Centaurea repens; Iberian thistle, Centaurea iberica; star thistle, Centaurea sp. Weed-free areas

Said plant or plants shall be named in said proclamation and said area thereafter shall be known as a weed-free area, as to the weeds named therein, which names shall be a part of the name of said area. The director may by similar proclamation change the boundaries of said area or declare said area free from additional weeds, naming the same. Such proclamation shall be under the seal of the department and shall be published in a newspaper or farm journal of general circulation, published and circulated in the area to be affected by said proclamation, at least once a week for two successive weeks. If there is no such newspaper or farm journal a copy of said proclamation shall be posted in one or more public places in said area.

SEC. 2. Section 911.23 of said code is amended to read:

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds. "Secondary noxious weeds"

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Bermuda grass (Cynodon dactylon).

Dodder, meaning clover dodder (Cuscuta epithymum), Chilean dodder (C. racemosa var. chiliana), field dodder (C. pentagona), flax dodder (C. epilinum), big-seed alfalfa dodder (C. indecora), and little-seed alfalfa dodder (C. planiflora).

Halogeton (Halogeton glomeratus).

Italian thistle (Carduus pycnocephalus).

Italian thistle (Carduus tenuiflorus).

Johnson grass (Sorghum halepense).

Klamath weed (Hypericum perforatum).

Mediterranean sage (Salvia aethiopis).

Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

Poverty weed (Iva axillaris).

Puncture vine (Tribulus terrestris).

Sandbur grass (Cenchrus pauciflorus).

Wild morning glory or European glorybind (Convolvulus arvensis).

Yellow star thistle (Centaurea solstitialis).

Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

CHAPTER 371

An act to amend Section 1872 of, and to add Section 1872.5 to the Education Code, relating to school district governing boards.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1872 of the Education Code is amended to read:

Filling of vacancies

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 until the next regular election for governing board members, at which, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy.

SEC. 2. Section 1872.5 is added to said code, to read:

Special election

1872.5. When vacancies exist in a majority of the positions on the governing board of an elementary school district the county superintendent of schools having jurisdiction, with the approval of the county board of education, may call a special election within the district at which election the vacancies shall be filled. Those elected shall fill out the unexpired terms to which they were respectively elected. If called, the election shall be held and conducted by the county superintendent of schools in as nearly the same manner as is practicable as are elections of governing boards.

CHAPTER 372

An act to amend Section 6070 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6070 of the Revenue and Taxation Code is amended to read:

6070. Whenever any person fails to comply with any provision of this part relating to the sales tax or any rule or regulation of the board relating to the sales tax prescribed and adopted under this part, the board upon hearing, after giving the person 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by the person. The board shall give to the person written notice of the suspension or revocation of any of his permits. The notices herein required may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of this part relating to the sales tax and the regulations of the board.

The board shall not issue a new permit after a permit has been revoked for the third time within any two-year period except upon payment by the former holder of the permit of a fee of twenty-five dollars ($25). When giving notice of the second revocation the board shall also notify the person that in the event his permit is again revoked within two years from the date of the first revocation he shall pay a fee of twenty-five dollars ($25) for a new permit after such third revocation. In the event of additional revocations the two-year period shall commence to run from the date of the first revocation of the permit for the issuance of which the fee of twenty-five dollars ($25) was paid.

CHAPTER 373

An act to add Section 5005.1 to the Public Resources Code, relating to the Division of Beaches and Parks.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5005.1 is added to the Public Resources Code, to read:

5005.1. The Division of Beaches and Parks may with approval of the Department of Finance transfer, sell or otherwise

dispose of personal property under its jurisdiction and may contract with other public agencies for its custody.

CHAPTER 374

An act to repeal Chapter 9 of Part 2 of Division 2 (commencing with Section 10810) of the Insurance Code, relating to mutual life and disability insurance on stipulated premium plans and to saving free of impairment, removal, or modification all existing causes of action and contractual rights or obligations.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Chapter 9 of Part 2 of Division 2 (commencing with Section 10810) of the Insurance Code is hereby repealed.

SEC. 2. The repeals effected by Section 1 shall not impair, remove, or modify any existing cause of action or contractual right or obligation founded on the provisions of Chapter 9 of Part 2 of Division 2 of the Insurance Code.

CHAPTER 375

An act to amend Section 1821 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1821 of the Insurance Code is amended to read:

1821. A license shall not be refused by the commissioner without proceedings in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, being initiated within 60 days from the date of filing the complete application.

The provisions of Sections 1730 to 1736, inclusive, are applicable to persons licensed under this chapter and the words "insurance agent" used in those sections include persons licensed under this chapter.

CHAPTER 376

An act to amend Section 12977 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 12977 of the Insurance Code is amended to read:

12977. The commissioner may authorize the refund of money received or collected by the department in payment for the filing of applications for licenses, permits or certificates, or for the rendering of other services:

(a) Where the receipt or collection has resulted in an overpayment or duplicate payment.

(b) In cases where no payment is required for filing the application for the license, permit or certificate sought, or for rendering the other service.

(c) Where an insufficient fee is paid and for which reason the application for the license, permit or certificate cannot be filed or the other service cannot be rendered.

(d) One-half of the fee required by subdivision (b) of Section 1679 or subdivision (b) of Section 1709 of this code upon a written showing, filed within sixty (60) days after the delinquency date, with particularity as to facts that late payment resulted from mistake, inadvertence or excusable neglect.

This section does not exclude the making of refunds under other appropriate provisions of law requiring the approval of the Director of Finance before such refunds may be made.

CHAPTER 377

An act to amend Section 11750.3 of the Insurance Code, relating to workmen's compensation rating organizations.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 11750.3 of the Insurance Code is amended to read:

11750.3. A rating organization may be organized pursuant to this article and maintained in this State for the following purposes:

a. To provide reliable statistics and rating information in respect to workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

b. To collect and tabulate information and statistics for the purpose of developing minimum adequate premium rates to be submitted to the commissioner for issuance or approval.

c. To formulate rules and regulations in connection with issued or approved rates and the administration of classifications and rating systems and to present same to the commissioner for approval.

d. To inspect risks for classification or rate purposes and to furnish to the insurer and upon request of the employer and after notice to the insurer, to furnish to the employer full information concerning the rates applicable to his insurance.

e. To examine policies, daily reports, endorsements or other evidences of insurance for the purpose of ascertaining whether

they comply with the provisions of law and to make reasonable rules governing their submission.

f. Within one year after expiration of any workmen's compensation insurance policy, to make test audits of insured employer's pay rolls and insurer's audits of such pay rolls to check the accuracy and reliability of such insurer's audits, and to examine all records relative thereto and premises of insured employers so that the classifications of such employers and the charging of premium at not less than the applicable approved minimum premium rates applied to such pay roll segregated in accordance with the applicable approved manual of classification of risks and premium rates can be assured. In the event of the refusal by any insured employer to permit such examination, the commissioner shall, upon the verified petition of the rating organization concerned, take such action as he may be authorized to take pursuant to and subject to the provisions of the Insurance Code and the Government Code.

g. To exchange information and experience data with rating organizations, advisory organizations, and insurers in this and other states, in respect to rate making.

h. To become a member or subscriber of any lawfully authorized rate-making or advisory organization whenever membership in such organization is necessary or helpful to the rating organization.

i. To perform all acts necessary, incidental or convenient to carry out the foregoing purposes or the provisions of this chapter relating to rating organizations.

CHAPTER 378

An act to amend Section 10401 of the Government Code, relating to the Commission on Uniform State Laws.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 10401 of the Government Code is amended to read:

10401 The commission consists of one Member of the Senate, appointed by the Committee on Rules, one Member of the Assembly, appointed by the Speaker, and four additional members, appointed by the Governor. The Legislative Counsel is an ex officio nonvoting member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, said Members of the Legislature shall constitute a joint interim investigating committee on the

subject of this chapter and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

CHAPTER 379

An act to amend Section 4204 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4204 of the Agricultural Code is amended to read:

4204. The purposes of this chapter are:

(a) To provide funds for administration and enforcement of this chapter, by assessments to be paid by producers of fluid milk or fluid cream, or both, and from licenses issued to distributors in the manner prescribed herein.

(b) To authorize and enable the director to prescribe marketing areas and to determine prices to producers for fluid milk or fluid cream, or both, which are necessary due to varying factors of costs of production, health regulations, transportation and other factors in said marketing areas of this State; provided, that the cost to distributors within any marketing area, for fluid milk or fluid cream shall be uniform with all other distributors purchasing fluid milk and fluid cream of similar grade or quality under like terms and conditions.

(c) To authorize and enable the director to formulate stabilization and marketing plans subject to the limitations herein prescribed with respect to the contents of such stabilization and marketing plans and declare such plans in effect for any marketing area.

(d) To enable the dairy industry with the aid of the State to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about and maintain a reasonable amount of stability and prosperity in the production and marketing of fluid milk and fluid cream and provide means for carrying on essential educational activities.

CHAPTER 380

An act to amend and renumber Section 4364 of, and to add Section 4249 to, the Agricultural Code, relating to the marketing of fluid milk and fluid cream.

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4364 of the Agricultural Code is renumbered to be Section 4206 and amended to read:

Effect of amendments

4206. No amendment of any provision of this chapter shall have the effect of terminating or invalidating any minimum prices for fluid milk or fluid cream or both, established by the director pursuant to this chapter prior to the effective date of such amendment or any minimum wholesale or minimum retail prices as modified to reflect changes in minimum prices paid by distributors to producers as provided in Section 4249; provided, that the director shall establish minimum prices pursuant to the provisions of such amendment at the earliest practicable date after the effective date of such amendment.

SEC. 2. Section 4249 is added to said code, to read:

Modification of minimum prices

4249. Whenever the director holds a public hearing for the purpose of considering whether or not the minimum prices for fluid milk to be paid to producers by distributors should be modified in order to comply with the provisions of this chapter, the director may also hold a public hearing for the sole purpose of considering the effect of any such proposed change in the prices to be paid to producers by distributors upon the minimum wholesale and minimum retail prices then in effect. Following said hearing the director may modify said minimum wholesale and minimum retail prices to the extent necessary to reflect any such modifications in prices to be paid to producers by distributors without the necessity of considering or making findings at that time upon the factors, other than the cost of fluid milk to distributors, specified in Sections 4355 and 4360. The hearings authorized in this section may be consolidated pursuant to the applicable provisions of Section 4259.

CHAPTER 381

An act to amend Sections 5473 and 5474 of the Health and Safety Code, relating to the imposition of fees and charges for sanitation and sewage facilities and services.

In effect September 11, 1957

[Approved by Governor May 9, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 5473 of the Health and Safety Code is amended to read:

Collection on tax roll

5473. Any entity which has adopted an ordinance pursuant to this article or an order pursuant to Section 6520.5 may, by such ordinance or by separate ordinances approved by a two-thirds vote of the members of the legislative body thereof, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each

parcel for said year, computed in conformity with the charges prescribed by said ordinance.

The powers authorized by this section shall be alternative to all other powers of any entity, and alternative to other procedures adopted by the legislative body thereof for the collection of such charges. Powers alternative

The real property may be described by reference to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor or by reference to plats or maps on file in the office of the clerk. Description of realty

SEC. 2. Section 5474 of said code is amended to read:

5474. A county sanitation district shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following: Ordinance fixing fees, etc Notice Contents

1. The schedule of fees or charges to be imposed by the district.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

CHAPTER 382

An act to amend Sections 10163 and 10489.2 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 10163 of the Insurance Code is amended to read:

Adjustment premiums Calculation

10163. The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two percent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty percent (40%) of the adjusted premium for the first policy year; (iv) twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. In applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four percent (4%) of the amount of insurance or level amount equivalent thereto.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this section shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

Basis of calculation

All adjusted premiums and present values referred to in this article shall for ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured. Such calculations for industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table All calculations shall be made on the basis of the rate of interest, not exceeding three and

one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. However, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table; and for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

SEC 2. Section 10489.2 of the Insurance Code is amended to read:

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, three and one-half percent (3½%) interest, and the following tables: Minimum valuation standard

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table.

(c) For annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table.

(d) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—Class (3) Disability Table (1926) which, for active lives, shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(e) For accidental death benefits in or supplementary to policies—the Inter-Company Double Indemnity Mortality Table combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

CHAPTER 383

An act to amend Section 1112 of the Agricultural Code, relating to rabbits.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1112 of the Agricultural Code is amended to read:

Classes

1112. As used in this article the classes of the kinds of poultry meat shall be:

Chicken

(a) Chicken. The classes of chicken meat as determined by inspection of appearance and other physical characteristics 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 usually not over four and one-half pounds dressed weight or not over four pounds ready-to-cook weight.

(2) Chicken Fryer Caponette. Fryers which have been treated with hormone stilbestrol or its equivalent, and which weigh usually not over four and one-half pounds dressed weight or not over four 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 usually over three and one-half pounds dressed weight or over three pounds ready-to-cook weight

(4) Chicken Roaster Caponette. Roasters which have been treated with the hormone stilbestrol 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 usually not over four pounds dressed weight or not over three and one-half 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 usually over four pounds dressed weight or over three and one-half 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: Turkey

(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: Rabbits

(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 one and one-half pounds or over three and one-half pounds ready-to-cook weight.

(2) Rabbit Roaster. Domestic rabbit (over 12 weeks of age) which may be properly cooked by roasting, and which weighs 3½ to 5 pounds ready-to-cook weight.

(3) Stewing Rabbit. Mature domestic rabbit of either sex (over 6 months of age) which may be properly cooked by stewing at any ready-to-cook weight.

(d) The director shall establish the definitions of classes for ducks and geese by regulations. Ducks and geese

CHAPTER 384

An act to add Article 28.5 (consisting of Sections 74660 to 74664, inclusive) to Chapter 10, Title 8 of the Government Code, relating to the municipal court established in the Santa Clara-Cupertino district.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 28.5 is added to Chapter 10, Title 8 of the Government Code, to read:

Municipal court Santa Clara-Cupertino district

Article 28.5. Santa Clara-Cupertino

74660. This article applies to the municipal court established in a district embracing the Cities of Santa Clara and Cupertino, designated as the Santa Clara-Cupertino district.

Number of judges

74661. There shall be one judge.

Clerk Salary, etc

74662. There shall be one clerk who shall also act as secretary to the judge and who shall receive a monthly salary as set forth in Section 73392.

Deputy clerks Salary, etc

74663. The clerk may appoint:

(a) One senior deputy clerk who shall be chief deputy clerk and who shall receive a monthly salary as set forth in subdivision (a) of Section 73393.

(b) One deputy clerk, grade III, who shall receive a monthly salary as set forth in subdivision (b) of Section 73393.

(c) Two deputy clerks, grade II, each of whom shall receive a monthly salary as set forth in subdivision (c) of Section 73393.

(d) Two deputy clerks, grade I, each of whom shall receive a monthly salary as set forth in subdivision (d) of Section 73393.

Sheriff, etc

74664 The sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section.

CHAPTER 385

An act to amend Section 1203 of the Penal Code, relating to probation reports and recommendations.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1203 of the Penal Code is amended to read:

Probation

1203. After the conviction by plea or verdict of guilty of a public offense not amounting to a felony, in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment, the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted. If probation is not denied, and in every felony case in which the defendant is

eligible for probation, before any judgment is pronounced, and whether or not an application for probation has been made, the court must immediately refer the matter to the probation officer to investigate and to report to the court, at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. The probation officer must thereupon make an investigation of the circumstances surrounding the crime and of the prior record and history of the defendant, must make a written report to the court of the facts found upon such investigation, and must accompany said report with his written recommendations, including his recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted. The report and recommendations must be made available to the court and the prosecuting and defense attorneys at least two days prior to the time fixed by the court for the hearing and determination of such report and must be filed with the clerk of the court as a record in the case at the time of said hearing. By written stipulation of the prosecuting attorney and the defense attorney, filed with the court, or by oral stipulation in open court made and entered upon the minutes of the court, the time within which the report and recommendations must be made available and filed, under the preceding provisions of this section, may be waived. At the time or times fixed by the court, the court must hear and determine such application, if one has been made, or in any case the suitability of probation in the particular case, and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. If the court shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Department of Corrections at the prison or other institution to which the defendant is delivered.

When not granted

Probation shall not be granted to any defendant who shall have been convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, kidnaping, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful

right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted wilfully inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has not been twice previously convicted of felony in this State nor twice previously convicted in any other place or places of public offenses which would have been felonies if committed in this State; nor to any defendant convicted of the crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson, murder, attempt to commit murder, assault with intent to commit murder, train wrecking, extortion, kidnaping, escape from a state prison, violation of Sections 286, 288 or 288a of this code, or conspiracy to commit any one or more of the aforesaid felonies, unless the court shall be satisfied that he has never been previously convicted of a felony in this State nor previously convicted in any other place of a public offense which would have been a felony if committed in this State; nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this State nor convicted in any other place of a public offense which would have been a felony if committed in this State and at the time of the perpetration of said previous offense or at the time of his arrest for said previous offense he was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same) or he personally used or attempted to use a deadly weapon upon a human being in connection with the perpetration of said previous offense or in the perpetration of said previous offense he wilfully inflicted great bodily injury or torture; nor to any public official or peace officer of the State, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion. No probationer shall be released to enter another state of the United States, unless and until his case has been referred to the California Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer and Parolee Supervision.

Sentence where no probation

In those cases in which the defendant is not eligible for probation, the judge may in his discretion refer the matter to the probation officer for an investigation of the facts relevant to sentence. The probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation.

CHAPTER 386

An act to repeal Section 922 of the Insurance Code and to amend Sections 1011, 1033, 1059, 1679, 1709, 1808, and 11529 of the Insurance Code, relating to insurance.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 922 of the Insurance Code is repealed. Repeal

SEC. 2. Section 1011 of the Insurance Code is amended to read:

1011. The superior court of the county in which is located the principal office of such person in this State shall, upon the filing by the commissioner of the verified application showing any of the following conditions hereinafter enumerated to exist, issue its order vesting title to all of the assets of such person, wheresoever situated, in the commissioner or his successor in office, in his official capacity as such, and direct the commissioner forthwith to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, servants, and employees from the transaction of its business or disposition of its property until the further order of said court: Application for conservatorship. Order.

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy or examiner. Grounds.

(b) That such person has neglected or refused to observe an order of the commissioner to make good within the time prescribed by law any deficiency in its capital if it is a stock corporation, or in its reserve if it is a mutual insurer.

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially its entire property or business or, without such consent, has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person.

(d) That such person is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or creditors, or to the public.

(e) That such person has violated its charter or any law of the State.

(f) That any officer of such person refuses to be examined under oath, touching its affairs.

(g) That any officer or attorney-in-fact of such person has embezzled, sequestered, or wrongfully diverted any of the assets of such person.

(h) That a domestic insurer does not comply with the requirements for the issuance to it of a certificate of authority, or that its certificate of authority has been revoked; or

(i) That the last report of examination of any person to whom the provisions of this article apply shows such person to be insolvent within the meaning of Article 13, Chapter 1, Part 2, Division 1 of this code.

SEC. 3. Section 1033 of the Insurance Code is amended to read:

Priorities

1033. Claims allowed in a proceeding under this article shall be given preference in the following order:

1. Expense of administration.
2. Unpaid charges due under the provisions of Section 736.
3. Taxes due to the State of California.
4. Claims having preference by the laws of the United States and by laws of this State.
5. All other claims.

Upon the issuance of an order appointing a conservator or liquidator for any person under the provisions of either Section 1011 or 1016 or both such sections, the lien of taxes due to the State of California imposed by Article 4, Chapter 4, Part 7, Division 2 of the Revenue and Taxation Code shall become subordinate to the reasonable administrative expenses of the proceeding under said order.

SEC. 4. Section 1059 of the Insurance Code is amended to read:

Status of commissioner

1059. The commissioner, in the performance of any of his duties under this article, shall be deemed to be a public officer acting in his official capacity on behalf of the State, and the provisions of Chapter 2, Division 7, Title 1 of the Government Code shall apply to him.

SEC. 5. Section 1679 of the Insurance Code is amended to read:

Notice of intention to renew, etc

1679. (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before May 1st of each year upon payment of the fee for filing specified in Section 1678.

Filing

(b) Such notices or applications may be filed between May 1st and July 1st upon payment of a fee twice that specified in Section 1678 for such filing.

(c) Upon failure to file such notice or application as provided in either (a) or (b) hereof, the license shall expire on July 1st, but the holder may file an application for a new

Penalty

license. Until June 30th next succeeding the fee shall be twice that specified in Section 1678 for such filing. The commissioner shall mail notice of such expiration of the license not later than June 20th, to:

(1) The licensee.
(2) The employing agent or broker, if any.
(3) The appointing insurers, if any.

Failure to mail such notice shall not continue the right to a license.

(d) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Sections 11002 and 11003 of the Government Code.

SEC. 6. Section 1709 of the Insurance Code is amended to read:

1709. (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before November 1st upon payment of the fee for filing an application prescribed in Section 1713 or Section 1713.6, as the case may be. Notice of intention to renew, etc

(b) Such notices or applications may be filed between November 1st and January 1st upon payment of a fee twice that set forth in Section 1713 or Section 1713.6 for filing an application. Filing

(c) The licensee must file a separate notice or application with respect to each insurer for whom he is licensed. The provisions of subdivisions (a) and (b) are applicable respectively to the filing of each such notice or application.

(d) Upon failure to file such notice or application for any insurer as provided in either (a) or (b) hereof, the license to act for such insurer shall expire on January 1st, but the holder may file an application for a new license. Until December 31st next succeeding the fee shall be twice that specified in Section 1713 or Section 1713.6, as the case may be. The commissioner shall mail notice of such expiration not later than December 20th, to: Penalty

(1) The licensee.

(2) The appointing insurer.

Failure to mail notice shall not continue the right to a license.

(e) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Sections 11002 and 11003 of the Government Code.

SEC. 7. Section 1808 of the Insurance Code is amended to read:

1808 (a) Annual notices of intention to keep licenses in force or applications for renewal of licenses, as the case may be, may be filed on or before May 1st of each year upon payment of the fees for filing specified in Section 1811. Notice of intention to renew, etc

(b) Such notices or applications may be filed between May 1st and July 1st upon payment of a fee twice that specified in Section 1811 for such filing. Filing

(c) Upon failure to file such notice or application as provided in either (a) or (b) hereof, the license shall expire on July 1st, but the holder may file an application for a new

Penalty

license Until June 30th next succeeding the fee shall be twice that specified in Section 1811 for such filing The commissioner shall mail notice of such expiration of the license not later than June 20th, to:

(1) The licensee.

(2) The employing bail agent or permittee, if any.

(3) The appointing insurers, if any.

(d) No notice or application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the proper fee for its filing has been paid at, the office of the commissioner during office hours, or unless both such document and fee have been filed and remitted pursuant to Sections 11002 and 11003 of the Government Code.

SEC. 8. Section 11529 of the Insurance Code is amended to read:

Acquisition and disposition of stock

11529. In carrying out any such plan, the insurer may acquire any shares of its own stock by gift, bequest or purchase. Any shares so acquired shall, unless as a result of such acquisition all of the shares of the insurer shall have been acquired, be acquired in trust for the policyholders of the class or classes for whose benefit the plan provides that the stock of the insurer shall be acquired as hereinafter provided. Such shares shall be assigned and transferred on the books of such insurer to three or more trustees appointed by the insurer and approved by the commissioner under a trust agreement approved by the commissioner. Such trustees shall hold such stock in trust until all of the outstanding shares of capital stock of such insurer have been acquired, but for not longer than 30 years with such extensions of not more than five years each as may be granted by the commissioner. Such extensions may be granted by the commissioner if the plan so provides and if in his opinion the plan of acquisition of all of such stock can be completed within a reasonable period. Such trustees shall vote such stock at all corporate meetings at which stockholders have the right to vote. When all of the outstanding shares of capital stock of such insurer have been acquired, all said shares shall be canceled, the certificate of amendment of the insurer's articles of incorporation giving effect thereto shall be filed in accordance with the provisions of Article 3, Chapter 1, Part 8, Division 1, Title 1, of the Corporations Code, and the insurer shall become a nonstock corporation for the profit of its members and such trust shall thereupon terminate. Thereafter such corporation shall be conducted for the mutual benefit, ratably, of its policyholders of the class or classes for whose benefit the stock was acquired and shall, upon issuance to it by the commissioner of a certificate of authority, have power to issue nonassessable policies on a reserve basis subject to all provisions of law applicable to incorporated life insurers or life and disability insurers, as the case may be, issuing nonassessable policies on a reserve basis, but shall be exempt from the provisions of Chapter 7 of Part 2 of

Division 2 of this code. Policies so issued may be upon the basis of full or partial participation therein as agreed between the insurer and the insured.

Upon the termination of any such voting trust, either in accordance with its terms or as hereinabove provided, such plan of mutualization shall terminate, unless theretofore completed. Upon such termination, unless the plan of mutualization provides for the disposition of the shares acquired by the insurer under such plan or for the disposition of the proceeds thereof, the shares held by such trustees shall be disposed of in accordance with an order of the superior court of the county in which is located the principal office of such insurer, made upon a verified application of the commissioner.

CHAPTER 387

An act to amend Sections 31530 and 31569.1 of the Streets and Highways Code and to add Sections 31530.1, 31537.1, 31537.2, 31537.3 and 31537.4 to said code, relating to the Vehicle Parking District Law of 1943 and the formation of vehicle parking districts thereunder.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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:

Formation petition

31530. The formation of a vehicle parking district may be proposed by petition signed by the owners of assessable 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 assessable 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 assessable land in the proposed district.

SEC. 2. Section 31530.1 is added to said code, to read:

Public lands

31530.1. For the purpose of applying Section 31530, if any of the lands within the proposed district are public lands of the type described in Section 31626 such lands shall be deemed assessable lands only if the governing body of the owner of such lands shall have filed its consent to the assessment of such lands on or before the date of filing with the clerk of the petition, or supplemental petitions, if any.

SEC. 3. Section 31537.1 is added to said code, to read:

Petitions insufficient and supplemental

31537.1. If the petition is not signed by the requisite number of qualified signers, the clerk shall certify to the legislative body that said petition is insufficient. If the petition is insufficient, supplemental petitions may be filed within three months from the date of the certificate of insufficiency, or such additional period as the legislative body may allow, not to

exceed six months from the date of the first certificate of insufficiency.

SEC. 4. Section 31537.2 is added to said code, to read:

Clerk's certification

31537.2. The clerk shall certify the sufficiency of the petition and any supplemental petitions to the legislative body, if the petition, together with supplemental petitions, if any, shall be signed by the requisite number of signers as shown by the last equalized assessment roll upon the date of said certificate. Such certification shall be conclusive as to the sufficiency of the petition.

SEC. 5. Section 31537.3 is added to said code, to read:

Signature by legal representative, etc

31537.3. If any person shown on the last equalized assessment roll to be the owner of land within the proposed district shall be unable to sign by reason of legal disability or shall cease to be the owner of all or any part of such land before the petition or supplemental petition shall have been filed with the clerk, said petition or supplemental petition may be signed by the legal representative (as hereinafter designated) or other successor in interest of said owner. All petitions signed by a person other than said owner shall be accompanied by written evidence, satisfactory to the clerk, that the signer

(a) In the case of a legal representative, is the duly appointed guardian, executor or administrator of the estate of said owner, or

(b) In the case of other successors in interest, is the holder of legal title to, or has the beneficial ownership in, said land.

SEC. 6. Section 31537.4 is added to said code, to read:

Estimate of assessed value

31537.4. If the assessed value of any parcel of land, and any improvements thereon, is not shown or separately shown upon the assessment roll, upon request of the clerk, the assessor shall estimate the assessed value of such parcel and any improvements thereon, and such estimate for the purpose of certifying said petition shall be considered the assessed value of such parcel, and any improvements thereon.

SEC 7. Section 31569.1 of said code is amended to read:

Petition Assessment limitation

31569.1. A petition for the formation of a district may request that if the petition is signed by owners, as defined in Sections 31530, 31530.1 and 31537.3, owning lands and improvements thereon of an assessed value of not less than sixty percent (60%) of the total assessed value of all assessable lands in the district and the improvements thereon, as defined in Sections 31530 and 31530.1, which lands also constitute more than one-half of the area of all assessable 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 is signed as specified in this section, the requirements of Section 31530 shall not apply. 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.

CHAPTER 388

An act to amend Section 103.3 of the Welfare and Institutions Code, relating to the administration of public assistance.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 103.3 of the Welfare and Institutions Code is amended to read:

Public assistance Administration of provisions

103.3. The provisions of this code relative to public assistance for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public assistance shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public assistance shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

Report by applicant

(b) Any applicant for, or recipient or payee of, such public assistance shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of the board of supervisors as being accurate, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month.

Overpayment

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of overpayment, the person receiving the aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the rules of the State Social Welfare Board, collection of overpayments shall not be made through discon-

tinuance or reduction of aid beyond the grant adjustment period permitted by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to support himself or his family at the rate of the grant during the period of reduction or discontinuance thereof.

Excess property

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it is established that the recipient or family received such aid in good faith, honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

Underpayment

(f) When an underpayment of aid occurs because of an administrative error or inadvertence on the part of a county, and as a result the recipient receives a lesser amount than that to which he is entitled, the county shall pay aid equal to the full amount of the underpayment. However, a county may limit its total reimbursements which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

CHAPTER 389

An act to add Sections 7384.5 and 7384.6 to the Business and Professions Code, relating to the establishment of separate toilet facilities for patrons of beauty shops.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 7384.5 is added to the Business and Professions Code, to read:

Public toilet room

7384.5. Every cosmetological establishment shall provide at least one public toilet room located on the premises for its patrons. Any toilet room installed after the effective date of this chapter shall be not less than 18 square feet in area. The entrance to the room shall be effectively screened so that no toilet compartment is visible from any workroom. The door of the room and any anteroom shall be self-closing. The room shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air and effectively screened against insects and free from rodents. The floor shall be of cement, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved disposal system, and shall be properly trapped. No toilet room shall be used for storage.

SEC. 2. Section 7384.6 is added to said code, to read:

Handwashing facilities

7384.6. Every cosmetological establishment shall provide adequate and convenient handwashing facilities, including running water, soap, and approved sanitary towels.

CHAPTER 390

An act to amend Sections 26472, 26493, 26516.4, 26518.5, 26542, 26554, and 26566 of the Health and Safety Code, relating to pure foods and public health.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26472 of the Health and Safety Code is amended to read:

Food deemed adulterated

26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other non-nutritive sweetening agent.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

SEC. 2. Section 26493 of the Health and Safety Code is amended to read:

Food deemed misbranded

26493. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Sections 26540 and 26541 unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients present in such food. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

SEC. 3 Section 26516.4 of said code is amended to read:

26516.4. It shall be unlawful for any person to:

Unlawful advertising, etc.

(a) Make, publish, disseminate, circulate or place before the public any advertisement relating to the sale of meat where the advertisement contains any assertion, representation or statement which is untrue, deceptive, or misleading or falsely represents the kind, classification, grade, or quality of any meat so advertised;

(b) Use any term of quality without using or having for sale the quality of meat advertised or offered for sale;

(c) Designate any quality of meat as "A" or "AA" or any other term indicating grade;

(d) Use the term "USDA," "U. S.," or any other term denoting that the meat is graded by the United States Department of Agriculture, unless the official grade is also designated;

(e) Designate or use any brand name of a company unless the meat so advertised or displayed for sale is of a quality which the use or designation of the brand name of such company would reasonably indicate; or

(f) Possess or use any meat marking stamp, instrument, label, or tag depicting "USDA," "U. S.," or any other term implying an official meat grade unless the stamp, instrument, label, or tag has been approved by the United States Department of Agriculture or the California State Department of Agriculture.

SEC. 4. Section 26518.5 of the Health and Safety Code is amended to read:

Preventing inspection

26518.5. It shall be unlawful to refuse to permit, to attempt to prevent, or to prevent the free access of any agent of the board to any factory, warehouse, or establishment in which food is, or is suspected of being manufactured, processed, packed or held for introduction into commerce, or to any vehicle being used or suspected of being used to transport or hold such food.

SEC. 5. Section 26542 of the Health and Safety Code is amended to read:

Regulations

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from any labeling requirement of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the federal act or by the United States Department of Agriculture, Agricultural Research Service, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter.

SEC. 6. Section 26554 of the Health and Safety Code is amended to read:

Report of violation

26554. Whenever it has satisfactory evidence of the violation of any of the provisions of this chapter respecting the

adulteration or misbranding of foods and after the hearing provided in Section 26564, the board shall report such facts to the district attorney of the county, or the prosecuting officer of the city, where the law is violated.

SEC. 7. Section 26566 of the Health and Safety Code is amended to read:

Certificate of facts

26566. If the examination or analysis is found to be correct, or if the party fails to appear at such hearing after notice duly given, a certificate of the facts so found shall forthwith be transmitted to the district attorney of the county, or the prosecuting officer of the city, in which the adulterated or misbranded food was found.

CHAPTER 391

An act to amend Section 2 of the Fish and Game Code, and Section 70 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the enforcement and administration of the laws relating to fish and game.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 2 of the Fish and Game Code is amended to read:

Definitions

2. As used in this code:

a. "Person" includes association, partnership, and corporation.

b. "Department" means Department of Fish and Game.

c. "Commission" means the Fish and Game Commission and "commissioner" means a member of the Fish and Game Commission.

d. "District" means fish and game district.

e. "Take" means hunt, pursue, catch, capture, kill, or possess, or attempt to hunt, pursue, catch, capture, kill, or possess.

f. "Bird" means wild bird or meat thereof.

g. "Mammal" means wild or feral mammal or meat thereof except any wild, feral, or undomesticated burro.

h. "Fish" means fish, mollusks, crustaceans, or amphibia, including the spawn or ova thereof, whole or parts thereof.

i. "Kelp" means kelp or other marine aquatic plants and the seeds thereof.

j. "Bag limit" means the maximum limit, in number or amount of birds, mammals, fish, mollusks, or crustaceans, or amphibia which may lawfully be taken by any one person during a specified period of time.

k. "Open season" means that period of time during which the taking of birds, mammals, fish, mollusks, crustaceans, or amphibia is allowed.

l. "Closed season" means that period of time during which the taking of birds, mammals, fish, mollusks, crustaceans, or amphibia is prohibited.

m. "Transport" includes offer or receive for transportation.

n. "Sell" includes offer for sale, possess for sale, barter, exchange, and trade.

o. "Day" means calendar day, and "week" means calendar week.

p. Whenever in this code the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified. The first date specified designates the first day of the period, and the second day specified designates the last day of the period. No period of time specified in this code exceeds one year unless otherwise expressly provided.

q. "Section" means a section of this code unless some other statute is expressly mentioned.

r. "Chumming" means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

s. "Angling" means the taking of, or attempting to take, fish by hook and line with the line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand, or closely attended, in such manner that the fish voluntarily takes the bait or lure in its mouth.

t. "Set line" means any line, including trawl lines, with a hook or hooks attached thereto which is used to take or attempt to take fish otherwise than by angling.

u. "Hook" or "fishhook" means an implement to catch or hold fish, mollusks, crustaceans, or amphibia. "Single hook" means any hook with one point and with or without a barb; "double hook" means any hook with two points and with or without barbs; "treble or triple hook" means any hook with three points and with or without barbs. "Snag" or "gaff" hooks are hooks with or without handles used to take fish in such manner that the fish does not take the hook voluntarily in its mouth.

v. "Resident" means any person who is a citizen of the United States and who has resided continuously in the State of California for six months or more prior to the date of his application for a license or a permit, or any person on active military duty with the armed forces of the United States or auxiliary branch thereof.

w. "Nonresident" means any person who is a citizen of the United States and who has not resided continuously in the State of California for six months prior to the date of his application for a license or permit.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 2 of the Fish and Game Code adopted in 1933, is repealed.

CHAPTER 392

An act to amend Section 28109 of the Government Code, relating to compensation for public service in a county of the ninth class.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 28109 of the Government Code is amended to read:

Fresno County Compensation

28109. In a county of the 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, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, thirteen thousand two hundred dollars ($13,200) a year. 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 within office hours.

(c) Each supervisor seven thousand two hundred dollars ($7,200) a year for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, three dollars ($3) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are

necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

CHAPTER 393

An act to amend Sections 1227, 1228, 1413, 1414, 1415 and 1416 of the Financial Code, relating to loans by banks.

[Approved by Governor May 10, 1957 Filed with Secretary of State May 10, 1957]

In effect September 11, 1957

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

SECTION 1. Section 1227 of the Financial Code is hereby amended to read:

1227. A commercial bank may lend on the security of a first lien on real property if:

Commercial banks Real property security

(a) The term does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property as determined by proper appraisal; or

(b) The loan is on a single family residence, the term does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 66⅔ percent of the sound market value of the property as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 66⅔ percent of the sound market value of the property as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property as determined by proper appraisal; or

(e) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market

value of the property as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

SEC. 2. Section 1228 of said code is amended to read:

Same Leasehold property security

1228. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold (1) under a lease for not less than 99 years which is renewable or (2) under a lease having a period of not less than 50 years to run from the date of the loan, if:

(a) The loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

SEC. 3. Section 1413 of said code is amended to read:

Savings banks Real property security

1413. A savings bank may lend on the security of a first lien on real property if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property as determined by proper appraisal; or

(b) The loan is on a single family residence, the term does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 66⅔ percent of the sound market value of the property as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 66⅔ percent of the sound market value of the property as determined by proper appraisal; or

(d) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market value of the property as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 4. Section 1414 of said code is amended to read:

Same Leasehold real property security

1414. A savings bank may lend on the security of a first lien on a leasehold on real property having a period of not less than 50 years to run from the date of the loan, if:

(a) The term of the loan does not exceed five years and the amount does not exceed 60 percent of the sound market value of the leasehold together with any improvements located on the property which are made subject to the lien; or

(b) The real property subject to the leasehold is improved with a single family residence, the term of the loan does not exceed 20 years and is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount of the loan does not exceed 66⅔ percent of the sound market value of the leasehold together with the improvements located on the property which are made subject to the lien.

SEC. 5. Section 1415 of said code is amended to read:

Same Junior liens

1415. A savings bank holding a first lien on real property may take, or purchase and hold, or loan upon another and immediately junior lien but all such loans shall not exceed in the aggregate 66⅔ percent of the sound market value of the property as determined by proper appraisal. A savings bank may loan not to exceed 90 percent of the face value of a deed of trust or mortgage which constitutes a first lien upon real property, but in no event shall any such loan exceed 66⅔ percent of the sound market value of the property covered by said mortgage or deed of trust as determined by proper appraisal.

SEC. 6. Section 1416 of said code is amended to read:

Same Leasehold property security

1416. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold (1) under a lease for not less than 99 years which is renewable, or (2) under a lease having a period of not less than 50 years to run from the date of the loan, if:

(a) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not

exceed 66⅔ percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

CHAPTER 394

An act to amend Sections 3701, 4041, and 5221 of the Public Utilities Code, relating to the keeping of records and filing of reports with the Public Utilities Commission by carriers.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 3701 of the Public Utilities Code is amended to read:

Highway permit carrier's records, etc

3701. Each highway permit carrier maintaining an office or place of business within this State and offering intrastate service shall keep therein all books, accounts, papers, and records required by the commission to be kept within this State. No such books, accounts, papers, or records shall be at any time removed from the State except upon such conditions as the commission prescribes. Carriers performing intrastate service as highway permit carriers, which do not maintain an office or place of business within this State, shall make books, accounts, papers and records pertaining to such intrastate service available to the commission at its request at a place designated within this State for examination by the commission or in the alternative reimburse the commission for the actual expense of examining such books, accounts, papers, or records at the place outside of the State where such records are kept.

The commission may require annual, periodical, or special reports to be filed by all highway permit carriers, prescribe the manner and form in which reports shall be made, and may require specific answers to all questions upon which the commission deems information to be necessary. The reports shall be under oath whenever the commission so requires.

SEC. 2. Section 4041 of said code is amended to read:

Carrier's records, etc.

4041. Each carrier maintaining an office or place of business within this State and offering intrastate service shall keep therein all books, accounts, papers, and records required by the commission to be kept within this State. No such books, accounts, papers, or records shall be at any time removed from the State except upon such conditions as the commission prescribes. Carriers performing intrastate service which do not maintain an office or place of business within this State, shall make books, accounts, papers and records pertaining to such intrastate service available to the commission at its request at a place designated within this State for examination by the commission or in the alternative reimburse the commission for the actual expense of examining such books, accounts, papers,

or records at the place outside of the State where such records are kept.

The commission may require annual, periodical, or special reports to be filed by all carriers, prescribe the manner and form in which reports shall be made, and require specific answers to all questions upon which the commission deems the information to be necessary. The reports shall be under oath whenever the commission so requires.

SEC. 3. Section 5221 of said code is amended to read:

5221. Each household goods carrier maintaining an office or place of business within this State and offering intrastate service shall keep therein all books, accounts, papers, and records required by the commission to be kept within this State. No such books, accounts, papers, or records shall be at any time removed from the State except upon such conditions as the commission prescribes. Carriers performing intrastate service as household goods carriers, which do not maintain an office or place of business within this State, shall make books, accounts, papers and records pertaining to such intrastate service available to the commission at its request at a place designated within this State for examination by the commission or in the alternative reimburse the commission for the actual expense of examining such books, accounts, papers, or records at the place outside of the State where such records are kept. Household goods carrier Records, etc

The commission may require annual, periodical, or special reports to be filed by all household goods carriers, prescribe the manner and form in which reports shall be made, and may require specific answers to all questions upon which the commission deems information to be necessary. The reports shall be under oath whenever the commission so requires.

CHAPTER 395

An act to amend Sections 900 and 900.7 of the Insurance Code and to add Sections 900.8 and 900.9 of said code, relating to financial statements of insurers.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 900 of the Insurance Code is amended to read:

900. On or before the first day of March of each year every insurer doing business in this State shall make and file with the commissioner, in triplicate, statements exhibiting its condition and affairs as of the thirty-first day of December then next preceding. Statements of condition

SEC. 2. Section 900.7 of the Insurance Code is amended to read:

900.7. The statements required in Section 900 shall be filed, in triplicate, by the insurer with the office of the department in Filing

San Francisco. Of said triplicate copies, one shall be filed by the commissioner in the office of the department in Los Angeles, and one in the office of the department in Sacramento.

SEC. 3. Section 900.8 is added to the Insurance Code, to read:

Penalties for false statement

900.8. The commissioner may decline to grant or renew or may suspend or revoke a certificate of authority of an insurer that knowingly files with the department a false financial statement.

SEC. 4. Section 900.9 is added to the Insurance Code, to read:

Felony Filing, etc. of false report, etc.

900.9. Any officer, director, employee or agent of any insurer, who wilfully signs or files a false or untrue report or statement of the business, affairs, or condition of such insurer with intent to deceive any public officer, office, or board to which such insurer is required by law to report, or which has authority by law to examine into its affairs or transactions, is guilty of a felony.

CHAPTER 396

An act to repeal Section 1781 of the Labor Code, relating to public works.

In effect September 11 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1781 of the Labor Code is repealed.

CHAPTER 397

An act to amend Section 1775 of the Labor Code, relating to public works.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 1775 of the Labor Code is amended to read:

1775. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit ten dollars ($10) for each calendar day, or portion thereof, for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him, and the body awarding the contract shall cause to be inserted in the contract a stipulation to this effect.

To the extent that there is insufficient money due a contractor to cover all penalties forfeited in accordance with this section, or in accordance with Section 1815 of this chapter, and in all cases where the contract does not provide for a money payment by the awarding body to the contractor, the

awarding body or the Division of Labor Law Enforcement may maintain an action in any court of competent jurisdiction to recover the penalties provided for herein, and either the awarding body or the Division of Labor Law Enforcement may join as party plaintiff in any such action brought by the other. Such action shall be commenced not later than 90 days after the filing of a valid notice of completion in the office of the county recorder in each county in which the public work or some part thereof was performed, or not later than 90 days after acceptance of such public work, whichever last occurs. No issue other than that of the liability of the contractor for the penalties allegedly forfeited shall be determined in such action, and the burden shall be upon the contractor to establish that the penalties demanded in such action are not due.

CHAPTER 398

An act to amend Section 1733 of the Labor Code, relating to public works.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1733 of the Labor Code is amended to read:

1733. Suit may be brought by the contractor or his assignee without permission from the State or other authority and is limited to the recovery of the penalties or forfeitures without prejudice to the contractor's or assignee's rights in regard to other matters affecting the contract. No other issues shall be presented to the court in such case and the burden shall be on the plaintiff to establish his right to the penalties or forfeitures withheld. In case the action is not commenced and actual notice thereof received by the awarding body within the 90-day period, the action shall be dismissed on motion of the awarding body.

The Division of Labor Law Enforcement may, upon written request of any awarding body, assist in the defense of such action.

CHAPTER 399

An act to amend Section 1815 of the Labor Code, relating to employment in excess of eight hours per day on public works.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1815 of the Labor Code is amended to read:

1815. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit ten dollars ($10) for each workman employed in the execution of the contract by the contractor or by any subcontractor for each calendar day during which such workman is required or permitted to work more than eight hours in violation of the provisions of this article. In awarding any contract for public work, the awarding body shall cause to be inserted therein a stipulation to this effect. The awarding body shall take cognizance of all violations of this article committed in the course of the execution of the contract, and shall report them to the officer of the State or political subdivision who is authorized to pay the contractor money due him under the contract.

CHAPTER 400

An act to amend Section 18102 of the Government Code, relating to disability indemnity of state employees.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 18102 of the Government Code is 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, or his accumulated compensable overtime, as when added to his disability indemnity will result in a payment to him of not more than his full salary or wage. When computing vacation, sick leave, or overtime 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 accumulated sick leave, vacation, or overtime, or all, are exhausted, he is still entitled to receive disability indemnity.

CHAPTER 401

An act to add Section 81.5 to, and to amend Section 585 of, the Vehicle Code, relating to removal of vehicles from highways.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 81.5 is added to the Vehicle Code, to read:

81.5. "Freeway." "Freeway" is a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. "Freeway"

SEC. 2. Section 585 of said code is amended to read:

585. When Officers Authorized to Remove Vehicles From Highways. (a) It is unlawful for any peace officer or any unauthorized person to remove any unattended vehicle from a highway to a garage or from said highway to any other place, except as provided in this code. Removal of vehicles

(b) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer is a member only under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the highway.

(3) When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.

(4) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injuries incapacitated to such an extent as to be unable to provide for its custody or removal.

(5) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

(6) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair or construction of the highway or for the installation of underground utilities or where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least

24 hours prior to the removal by local authorities pursuant to ordinance.

(7) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right of way of any freeway within the limits of an incorporated city.

(c) Whenever an officer removes a vehicle from a highway as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage a copy of such notice shall be given to the proprietor of such garage.

(d) Whenever an officer removing a vehicle from a highway under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of 120 hours, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the department at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by the department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

(e) The department upon receiving a notice as hereinbefore provided of the removal of any vehicle from a highway shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the Department of Motor Vehicles, if the vehicle is registered in this State, of the removal of such vehicle, and give the name of the police officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this State, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

(f) Whenever any vehicle has been removed to a garage under the provisions of this section and the keeper of such garage has received the notice or notices from the arresting officer as provided herein, said keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if said vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of said garage may satisfy his lien in the manner and after giving the notices required in Sections 427 and 428 of this

code. Notwithstanding the provision of this subdivision, if the vehicle is appraised at a value not exceeding seventy-five dollars ($75) by a person authorized to make such appraisal under Section 585.8, the keeper of the garage may, if the vehicle is not recovered by the owner within 40 days or the owner is unknown, satisfy his lien as provided in Section 428.5 of this code.

CHAPTER 402

An act to add Section 527.5 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 527.5 is added to the Vehicle Code, to read:

527.5. Turning Out of Slow-moving Vehicles. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, behind which five or more vehicles are formed in line, shall turn off the highway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

CHAPTER 403

An act to amend Sections 13842, 14142, 14506, 15204, 15442, 15801, 16101 and 16102 of, and to add Sections 13557 and 15807 to, and Article 2.5 (commencing with Section 16071) to Chapter 8.5, Part 9 of Division 2 of, and to amend and renumber the heading of Chapter 8 (commencing with Section 16051), Part 9, Division 2 of, the Revenue and Taxation Code, relating to inheritance and gift taxes.

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 13557 is added to the Revenue and Taxation Code, to read:

13557. For the purpose of this part, the wife has the same interest in all community property, whenever acquired, if the property is community because of the manner of its acquisition by the spouses, that she has in community property acquired since the effective date of Section 161a of the Civil Code.

Community property

SEC. 2. Section 13842 of the Revenue and Taxation Code is amended to read:

Transfer Charitable organization, etc

13842. Property transferred to any society, corporation, institution, or association, in trust or otherwise, or to any foundation or trust, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, is exempt from the tax imposed by this part, if any of the following conditions is present:

(a) The society, corporation, institution, foundation, trust, or association is organized solely for religious, charitable, scientific, literary, or educational purposes under the laws of this State or of the United States;

(b) The property transferred is limited for use within this State;

(c) In the event that the society, corporation, institution, foundation, trust, or association is organized or existing under the laws of a territory or another state of the United States or of a foreign state or country, at the date of the decedent's death either of the following concurred:

(1) The territory, other state, foreign state, or foreign country did not impose a legacy, succession, or death tax of any character in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of this State.

(2) The laws of the territory, other state, foreign state, or foreign country contained a reciprocal provision under which property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country was exempt from legacy, succession, or death taxes of every character, if the other territory or state of the United States or foreign state or country allowed a similar exemption in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country.

SEC. 3. Section 14142 of said code is amended to read:

Tax receipts

14142. The Controller shall charge the county treasurer with the amount of the tax. One of the receipts shall be retained by the Controller, and the other shall be countersigned and sealed with the seal of the Controller's Office by the Controller or by an employee designated in writing by the Controller. This countersigned receipt shall be transmitted immediately to the clerk of the superior court having jurisdiction.

SEC. 4. Section 14506 of said code is amended to read:

14506. Upon the completion of his appraisement the appraiser shall file a written report with the superior court setting forth the following: Appraisal report

(a) The clear market value of the property included in each transfer subject to this part from the decedent to any person sharing in the estate, whether the property transferred is in the estate or not.

(b) The amount of tax which is due and payable on each transfer.

(c) Such other facts as may advise the court in regard to the tax or which the court may require

In addition to filing the report, the appraiser may file with the court any deposition, exhibit, other evidence, or other information taken before or submitted to him.

In the case of any amount required to be shown on a form prescribed by the Controller for any return, statement, report, or other document, if such amount of such item is other than a whole-dollar amount, the fractional part of a dollar may be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by one dollar ($1). The provisions of this section shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on the form, but shall be applicable only to such final amount.

SEC 5. Section 15204 of said code is amended to read:

15204. The tax for any calendar year on gifts to a donee is computed as follows: Tax computation

(a) Determine the aggregate sum of:

(1) The net gifts to the donee for the calendar year, and

(2) The net gifts to the same donee for each of the preceding calendar years.

(b) From this aggregate sum deduct:

(1) The net gifts to the donee for the preceding calendar years, and

(2) The specific exemption, less such portion as may have been used in computing the tax for preceding calendar years.

(c) Apply to the remainder the same rates that would have been applicable had the deductions not been made.

In the case of any amount required to be shown on a form prescribed by the Controller for any return, statement, report, or other document, if such amount of such item is other than a whole-dollar amount, the fractional part of a dollar may be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by one dollar ($1). The provisions of this section shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on the form, but shall be applicable only to such final amount.

SEC. 6. Section 15442 of said code is amended to read:

Transfer Charitable organizations, etc

15442. Property transferred to any society, corporation, institution, or association, in trust or otherwise, or to any foundation or trust, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, is exempt from the tax imposed by this part, if any of the following conditions is present:

(a) The society, corporation, institution, foundation, trust, or association is organized solely for religious, charitable, scientific, literary, or educational purposes under the laws of this State or of the United States.

(b) The property transferred is limited for use within this State.

(c) In the event that the society, corporation, institution, foundation, trust, or association is organized or existing under the laws of a territory or another state of the United States or of a foreign state or country, at the date of the transfer of the property either of the following concurred:

(1) The territory, other state, foreign state, or foreign country did not impose a gift tax of any character in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of this State.

(2) The laws of the territory, other state, foreign state, or foreign country contained a reciprocal provision under which property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country was exempt from gift taxes of every character, if the other territory or state of the United States or foreign state or country allowed a similar exemption in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country.

SEC. 7. Section 15801 of said code is amended to read:

Time for determination

15801. In a case not involving a false or fraudulent return or failure to file a return, the amount of tax imposed by this part shall be determined by the Controller at any time after the tax is due, but not later than three years after the return is filed.

SEC. 8. Section 15807 is added to said code, to read:

Computation

15807. When the Controller is determining a tax in the case of a false or fraudulent return or in the case of a failure to file a gift return, the tax shall be determined as if the gift under consideration had been made immediately after all gifts made by the donor in the preceding calendar year, except in

regard to the time from which the computation of the delinquent penalty should be started, and except that the rates to be applied shall be the rates in effect at the date of gift or the rates in effect at the date of determination of the tax, whichever are higher. The computation of the delinquent penalty on such tax shall start from the last day when the return for such gift should have been filed.

SEC. 9. The heading of Chapter 8 (commencing with Section 16051), Part 9 of Division 2 of said code is amended and renumbered to read:

CHAPTER 8.5. COLLECTION OF TAX

SEC. 10. Article 2.5 (commencing with Section 16071), is added to Chapter 8.5, Part 9 of Division 2 of said code, to read:

Article 2.5. Warrant for Collection of Tax

Enforcement of liens

16071. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within three years after the last recording of a certificate under Section 16063, the Controller or his 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.

Fees

16072. The Controller 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 Controller, and not the court, shall approve the fees for publication in a newspaper.

16073. 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 manner provided in this part for the collection of the tax.

SEC. 11. Section 16101 of said code is amended to read:

Notice of delinquency

16101. If the payment of any gift tax is delinquent, the Controller may give notice by mail of the amount of the delinquency to any person, including any officer or department of the State, or any city organized under a freeholders charter, or any political body not a subdivision or agency of the State, having in his possession or under his control any credit or other personal property belonging to the person liable for the tax, or owing any debt to the latter.

In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the Controller.

Same: Receipt

SEC. 12. Section 16102 of said code is amended to read:

16102. Upon receiving the notice, the person notified shall neither transfer nor make any other disposition of the credit, other personal property or debt until either the tax together with penalties and interest has been paid in full or the Controller has consented to a transfer or disposition.

CHAPTER 404

An act to amend Section 19334 of the Government Code, relating to leave of absence in the state civil service.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 19334 of the Government Code is amended to read:

19334. An appointing power may grant a leave of absence without pay for a period not exceeding one year to any permanent or probationary employee under his jurisdiction who becomes pregnant. If request for 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 re-employment list for the classification of the position which she held.

CHAPTER 405

An act to add Sections 3014, 3015, 3602.2 and 3608.1 to, and to amend Sections 3002, 3007, 3106, 3150, 3200, 3202, 3203, 3215, 3233, 3357, 3606, and 3608 of, the Public Resources Code, relating to oil and gas.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 3014 is added to the Public Resources Code, to read:

"Board"

3014. "Board" means any board of oil and gas commissioners.

SEC. 2. Section 3015 is added to said code, to read:

"District"

3015. "District" means oil and gas district as provided for in Section 3150 of this chapter.

SEC. 3. Section 3602.2 is added to said code, to read:

Land parcels

3602.2. In determining the area of parcels of land for the purposes of this chapter, the area of the oil and gas mineral estate shall be used exclusively.

SEC. 4. Section 3608.1 is added to said code, to read:

Lease quit claim

3608.1. The owner or operator of any leasehold, into which land has been included under the provisions of Section 3608,

shall cause to be recorded an appropriate quitclaim to such land in the proper county recorder's office when such leasehold has been terminated.

SEC. 5. Section 3002 of said code is amended to read:

"Division" 3002. "Division," in reference to the Government of this State, means the Division of Oil and Gas in the Department of Natural Resources, otherwise "division" means Division 3 (commencing with Section 3000) of this Public Resources Code.

SEC. 6. Section 3007 of said code is amended to read:

"Gas" 3007. "Gas" means any natural hydrocarbon gas coming from the earth.

SEC. 7. Section 3106 of said code is amended to read:

Damage to underground deposits 3106. The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to underground oil and gas deposits from infiltrating water and other causes, loss of oil, gas, or reservoir energy and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells.

SEC. 8. Section 3150 of said code is amended to read:

Districts 3150. For the purposes of this chapter, the State is divided into six districts, as follows:

District number 1, the Counties of Los Angeles, Riverside, Orange, San Diego, Imperial, and San Bernardino.

District number 2, the County of Ventura.

District number 3, the Counties of Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Benito, and Santa Clara.

District number 4, the Counties of Tulare, Inyo, and Kern.

District number 5, the Counties of Fresno, Madera, Kings, Mono, Mariposa, Merced, Stanislaus, and Tuolumne

District number 6, all counties not included in any other district.

SEC. 9. Section 3200 of said code is amended to read:

Agent of owner or operator 3200. Every owner or operator of any well shall designate an agent, giving his post-office address, who resides in this State, upon whom may be served all orders, notices, and processes of the supervisor, a board, or any court of law. Every person so appointing an agent shall, within five days after the termination of any such agency, notify the supervisor, in writing, of such termination, and unless operations are discontinued, shall appoint a new agent

SEC. 10. Section 3202 of said code is amended to read:

Notice of ownership or operation 3202. Every person who acquires the ownership or operation of any well, whether by purchase, transfer, assignment, conveyance, exchange, or otherwise, shall, within five days after acquiring the well and the land, owned or leased, upon which it is located, notify the supervisor or the district deputy, in writing, of his ownership or operation. The notice shall contain the following:

(a) The name and address of the person from whom the well was acquired.

(b) The name and location of the well.

(c) The date of acquisition.

(d) The date when possession was acquired.

(e) A description of the land upon which the well is situated.

SEC. 11. Section 3203 of said code is amended to read:

Notice of intention to drill

3203. The owner or operator of any well shall, before commencing the work of drilling the well, file with the supervisor or the district deputy a written notice of intention to commence drilling. The notice shall contain the following:

(a) The location and elevation above sea level of the floor of the proposed derrick and drill rig.

(b) The number or other designation by which the well shall be known.

(c) The owner's or operator's estimate of the depth of the point at which water will be shut off, together with the method by which the shutoff is intended to be made, and the size and weight of casing to be used.

(d) The owner's or operator's estimate of the depths between which production will be attempted.

After the completion of any well the provisions of this section shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by Section 3203, shall not be changed without first obtaining a written consent of the supervisor.

SEC. 12. 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, electric log if made, 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. Upon a showing of hardship, additional time within which to comply with the provisions of this section may be granted by the supervisor.

SEC. 13. Section 3233 of said code is amended to read:

Notice and approval of removal

3233. No person, whether as principal, agent, servant, employee, or otherwise, shall remove the casing or any portion thereof, from any well without first giving written notice to the supervisor or the district deputy of his intention to remove the casing from such well. The notice shall be given at least five days before the proposed removal.

The supervisor or the district deputy shall, before the proposed date of removal, furnish the person with a written report of approval of his proposal, or a written report stating what work shall be done before such approval will be given.

If the supervisor or the district deputy fails to give the person a written report within the specified time, such failure shall be considered an approval of the proposal to remove the casing, and such proposal shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor or the district deputy.

Within five days after the completion of the removal, the person shall make, in such form as the supervisor or district deputy may direct, a written report, in duplicate, of all work done in connection with such removal.

SEC. 14. Section 3357 of said code is amended to read:

Oaths and subpenas

3357. In any proceeding before the board of district commissioners, and in any proceeding instituted by the supervisor for the purpose of enforcing or carrying out the provisions of this division, or for the purpose of holding an investigation to ascertain the condition of any well or wells complained of, or which in the opinion of the supervisor may reasonably be presumed to be improperly located, drilled, operated, maintained, or conducted, the supervisor and the chairman of the board of district commissioners shall have the power to administer oaths and may apply to a judge of the superior court of the county in which the proceeding or investigation is pending, for a subpena for witnesses to attend the proceeding or investigation. Upon the application of the supervisor or the chairman of the board of district commissioners, the judge of the superior court shall issue a subpena directing the witness to attend the proceeding or investigation, and such person shall be required to produce, when directed, all records, surveys, documents, books or accounts in his custody or under his control; except that no person shall be required to attend upon such proceeding, unless he resides within the same county or within 100 miles of the place of attendance The supervisor or the chairman of the board of district commissioners may in such case cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in superior courts of this State, and may, upon application to a judge of the superior court of the county within which the proceeding or investigation is pending, obtain a subpena compelling the attendance of witnesses and the production of records, surveys, documents, books or accounts at such places as the judge may designate within the limits prescribed in this section

SEC. 15. Section 3606 of said code is amended to read:

Placement of wells

3606. Notwithstanding any other provisions of this chapter, where a parcel of land contains one acre or more and where all or substantially all of the surface of such parcel of land is unavailable for the surface location of oil or gas wells, there may be drilled or produced not more than one well into

each acre of such parcel of land, and the surface location of such well may be located upon property which may or may not contain one acre or more of surface area, and the property upon the surface of which the surface location of such well may be located may or may not be contiguous to such parcel of land; provided:

1. No operator shall construct or maintain any derrick within 150 feet of any other derrick, then standing, of such operator.

2. The surface location of such well, as measured from the center of the hole, shall be not less than 25 feet from an outer boundary of the surface of the property upon which such well is located, and shall be not less than 25 feet from any dedicated public street, road or highway which is so dedicated and in such public use at the time of the commencement of drilling of such well.

3. The producing interval of such well shall be not less than 75 feet from an outer boundary of the parcel of land into which such producing interval is drilled, and the producing interval of such well shall be not less than 150 feet, as measured horizontally in the same zone, from the producing interval of any other well which is producing or capable of producing oil or gas If the parcel of land qualified to be drilled under this section is less than 150 feet in width, the producing interval of such well shall be as far from the lateral boundary lines of the property as is practicable.

To enforce the provisions of this section, the supervisor may require, at the time supervisor gives approval of notice of intention to drill, redrill or deepen, that a subsurface directional survey be made for such well, and that a plat of said directional survey be filed with the supervisor within fifteen (15) days of completion.

SEC. 16. Section 3608 of said code is amended to read:

Parcels less than one acre

3608. Where land aggregating less than one acre is surrounded by other lands, which other lands are subject to an oil and gas lease aggregating one acre or more, and if, under the provisions of Sections 3600 to 3607, inclusive, of the Public Resources Code, the drilling or producing of a well on said land is declared to be a public nuisance, said land shall, for oil and gas development purposes and to prevent waste and to protect the oil and gas rights of landowners, be deemed included in said oil and gas leasehold on said other lands when there is filed with the State Oil and Gas Supervisor a notice of intention to drill a well upon the said leasehold covering said other lands or a request from the owner or lessee of the lands aggregating less than one acre and the State Oil and Gas Supervisor has caused to be recorded with the county recorder of the county in which said land aggregating less than one acre is located a declaration as hereinafter provided.

There shall be attached to such notice of intention or request a statement which shall set forth the name or names of the record owner or record owners of said land aggregating less

than one acre which is to be included in said oil and gas leasehold on said other lands, the legal description of said land aggregating less than one acre, name of the lessee of the oil and gas lease in which such land is to be included, and a reference to the book and page of the official records of the county recorder where such oil and gas lease is recorded or a reference to the document number and date of recordation of such oil and gas lease. Within 10 days following receipt of such notice of intention and attached statement, or such request and attached statement, the State Oil and Gas Supervisor shall cause to be recorded with the county recorder of the county in which said land aggregating less than one acre is located, a declaration, signed by him or his assistant or deputy, that said land is deemed by the provisions of this section to be included in said oil and gas leasehold on said other lands. Such declaration shall set forth the same information required to be set forth in the statement attached to the notice of intention or request. The county recorder shall accept such declaration for recordation and shall index such declaration in the names of all persons or corporations mentioned therein. From the time of recording thereof in the office of the county recorder such notice shall impart constructive notice of the contents thereof to all persons dealing with the land therein described.

The owners of the oil and gas mineral rights in said land so deemed included in said oil and gas leasehold on said other lands, as herein provided, shall thereafter receive in money, based upon the production of oil and gas from said leasehold including said land, a pro rata share of the landowners' royalty determined in accordance with the provisions of said oil and gas lease in the proportion that the area of said land bears to the aggregate of the total area covered by said oil and gas lease including the area of said land; provided further, that said owners of said oil and gas mineral rights in said land shall in no case receive less than their pro rata share determined, as herein provided, of the value of one-eighth part of the oil and gas produced, saved and sold from the operating unit comprising said leasehold on said other lands and said land, computed in accordance with the provisions of said oil and gas lease with respect to the computation of landowners' royalty; and provided further, that without the consent of said owners of said land the lessee or operator of said oil and gas leasehold shall have no right to use the surface of said land nor to use the subsurface thereof down to a depth of 200 feet below the surface thereof.

Where said land aggregating less than one acre is surrounded by lands which are not subject to a single oil and gas leasehold but is surrounded by lands which are subject to two or more separate oil and gas leaseholds, one or more of which oil or gas leaseholds aggregates one acre or more, then in such event the said land aggregating less than one acre shall, as herein provided, be included within and be joined to that oil

and gas leasehold aggregating one acre or more as to which said parcel of land aggregating less than one acre has the longest common boundary. If there is no longest common boundary, the notice of intention, or the request, shall designate the leasehold, aggregating one acre or more, into which the parcel aggregating less than one acre shall be included by the declaration of the supervisor; otherwise the supervisor shall make such designation.

In determining the contiguity of any parcels of land for the purposes hereof, no road, street or alley shall be deemed to interrupt such contiguity.

CHAPTER 406

An act to amend Sections 3 and 16 of Chapter 63 of the Statutes of 1880, relating to the protection of lands from overflow.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1 Section 3 of Chapter 63 of the Statutes of 1880 is amended to read:

Sec. 3. Upon the day appointed for the hearing of said petition the board of supervisors shall consider the same, and should they find that any lands are improperly included in, or excluded from, the proposed district, they shall make, upon satisfactory evidence of such fact, such changes in the proposed boundaries as may by them be deemed just and proper. Should the board of supervisors make any changes in said boundaries, they shall note the same on the petition, and organize or reject the district with the boundaries they have fixed, and their action in that respect shall be conclusive; such action shall be entered in the journal of their proceedings, together with the petition, the names of the signers thereto, and the evidence of publication required by the preceding section. If the board shall grant the petition and order the district to be organized, they shall in such order number the same, and direct an election to be held within the boundaries thereof, and within 20 days from the date of such order, for the election of three trustees of said district, each of whom must be a resident landowner within the district, one of whom shall be elected for one year, one for two years, and one for three years; and there shall be an annual election held each year thereafter, at which one trustee shall be elected, whose term of office shall be three years. Should a vacancy occur in such office, the board of supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this act for trustees, and shall hold his office until the next annual election after his appointment, or until his successor is elected and qualified. At

the time of ordering the election for trustees, the board of supervisors shall establish one or more election precincts within the district, designate the house or place within each precinct where the election must be held, and shall appoint one inspector and two judges for said election for each voting precinct, who shall constitute a board of election for each precinct. Notice of such election shall be given by the board of supervisors in a newspaper published in the county; or if there be none published in the county, then in some newspaper having a general circulation in the district, for two weeks before the time of holding the same, which notice must specify the time and places for holding the election, the offices to be filled, and the terms thereof, and the names of the inspectors and judges of election in each precinct. At such election the polls shall open at 9 o'clock a.m., and close at 4 o'clock p.m. No person shall be permitted to vote at such election, or at any election held by the district, unless he is a landowner of the district; and every landowner in the district shall have the right to vote, and each qualified voter shall be entitled to cast one vote for each acre of land, and for each town or city lot, the title to which is shown by the proper records of the county in which the district is situated, to be in him. The boards of election shall deposit all ballots cast in a proper ballot box, and keep a poll list, on which shall be entered the name of each person voting, and the number of votes cast by such person. As soon as the polls are closed, the judges must proceed to canvass the votes given at such election, which canvass must be public. A tally list shall be kept showing the names of the persons voted for and for what office, and the number of votes given for each candidate, which list, when all votes are canvassed, shall be attested by the signatures of the members of the board of election. In making the canvass the tickets or ballots, as soon as read, must be strung upon a string by one of the judges, and when all are counted and said tally list is prepared, said list and ballots shall be carefully sealed in a strong envelope or wrapper, each member of the board writing his name across the seal, and the same shall be delivered by one of the judges to the county clerk. The board of supervisors of the county shall, on the first Monday succeeding such election, if then in session, or if not, at their next general or special session, canvass said returns and declare the result, and the county clerk shall thereupon issue certificates of election to the persons declared to be elected. The members of the board of election shall receive ten dollars ($10) per day for their services, and the expenses of all elections held under this act shall be paid by the district. The board of trustees of the district, after the first election herein provided for, shall give notice of all elections in the manner and form hereinbefore provided for the first election. They may change the boundaries of precincts and create new ones to suit the convenience of voters, and establish polling places within the precincts, and shall appoint one in-

spector and two judges for each precinct. Such elections shall be had and conducted in all other respects the same as the first election. Every trustee within 10 days after the receipt of his certificate of election shall take and file with the county clerk the usual oath of office.

SEC. 2. Section 16 of said act is amended to read:

Sec. 16. The trustees of any district, organized by authority of this act, shall be entitled to receive each, for their services and expenses while sitting as a board, acting under orders of the board, or otherwise actually employed in the business of the district, a sum not exceeding fifteen dollars ($15) per day and also not to exceed ten cents ($0.10) per mile for each mile actually traveled from their respective places of residence to the office of the board and returning therefrom, or traveling elsewhere on official business as a member of the board, together with their actual and necessary expenses paid while engaged in official business as members of the board.

CHAPTER 407

An act to amend Sections 31641.1 and 31700 of the Government Code, relating to county retirement systems.

In effect September 11, 1957

[Approved by Governor May 10, 1957. Filed with Secretary of State May 10, 1957.]

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

SECTION 1. Section 31641.1 of the Government Code is amended to read:

Contributions for prior service

31641.1. A member who was in public service before becoming a member may elect by written notice filed with the board within three years after his entrance into the retirement system, or within three years after this section becomes applicable in the county, whichever is later, to make contributions pursuant to Section 31641.2 and to receive credit in the retirement system for all of his public service time. Credit for part-time service shall be calculated as provided in Section 31641.5.

SEC. 2. Section 31700 of said code is amended to read:

Election

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.

(c) Any person who heretofore has been a member of this retirement system for not less than five years may elect in writing not less than 180 days prior to reaching the minimum age of voluntary service retirement, to leave his accumulated contributions in the retirement fund or, if his accumulated contributions were repaid to him before September 15, 1945, to redeposit the same, with interest thereon, whether at the time of such election he be deemed a member of said system or not, and be granted a deferred retirement allowance to become effective pursuant to either subdivision (a) or (b) above, whichever be applicable.

The election provided for in subdivision (c) may only be made within a period of 180 days after final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 408

An act to amend Section 5007 of the Public Utilities Code, relating to default in payment of fees by a transportation agency.

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5007 of the Public Utilities Code is amended to read:

5007. If any transportation agency referred to in this chapter is in default in the payment of the fees prescribed, other than filing fees, for a period of 30 days or more, the commission may suspend or revoke any certificate of public convenience and necessity, permit, or license of such agency, and shall estimate from all available information the gross operating revenue of such agency, and shall add to such estimate a penalty of 25 percent for failure, neglect, or refusal to report. The transportation agency shall be estopped from complaining of the amount of such estimate. In no event shall such penalty be less than one dollar ($1). Upon payment of the amount estimated and the penalty thereon, the certificate, permit, or license of such agency theretofore suspended in accordance with the provisions of this section shall be reinstated.

The commission may grant a reasonable extension of such 30-day period to any transportation agency, upon written application of the transportation agency and proper showing thereunder of the necessity for such extension.

Upon revocation of any operating authority issued to any transportation agency subject to this chapter, all fees provided for herein shall become due and payable immediately.

CHAPTER 409

An act to amend Section 3911 of the Public Utilities Code, relating to the definition of "carrier" for purposes of the City Carriers' Act.

In effect September 11, 1957

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

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

SECTION 1. Section 3911 of the Public Utilities Code is amended to read:

3911. "Carrier" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in the transportation of property for compensation or hire as a business over any public highway within the exterior boundaries of a city or city and county in this State, including the area of any city situated wholly within such outside limits, by means of a motor vehicle, except that "carrier" does not include:

(a) Any farmer resident of this State who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

(b) Persons or corporations hauling their own property.

(c) Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm.

(d) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6 of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

CHAPTER 410

An act to add Section 131.1 to the Vehicle Code, relating to departmental membership in associations dealing with related subjects.

In effect September 11, 1957

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

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

SECTION 1. Section 131.1 is added to the Vehicle Code, to read:

131.1. Memberships in Associations Dealing With Related Subjects. The department may pay membership fees, join, and participate in affairs of associations having for their purpose the interchange of information relating to the registration of vehicles and the issuance of operators' licenses, financial responsibility, and subjects relating to highway safety and to the powers and duties of the department.

CHAPTER 411

An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to needy persons.

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3472 of the Welfare and Institutions 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.

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:

(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. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

CHAPTER 412

An act to amend Section 25458 of the Government Code and Section 1329 of the Streets and Highways Code, relating to emergency work by counties.

In effect September 11, 1957

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

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

SECTION 1. Section 25458 of the Government Code is amended to read:

Emergency work

25458. By the majority consent of the board in cases of great emergency, including but not limited to states of disaster defined in Section 1505 of the Military and Veterans Code, 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 the use of machinery and tools and of material and labor expended by him in doing the work, plus not more than 15 percent to cover all profits, supervision, and other expenses. No more than the lowest current market prices shall be paid for materials.

SEC. 2. Section 1329 of the Streets and Highways Code is amended to read:

Same: Bridges

1329. In the event of great emergency, including but not limited to states of disaster defined in Section 1505 of the Military and Veterans Code, upon the majority vote of the board, the board may proceed at once to replace or repair any and all bridges without adopting plans, specifications, strain sheets or working details, without letting contracts or without calling for bids. Such work may be done by day labor under the direction of the board, or by contract, or by a combination of the two. If done wholly or in part by contract, the contractor shall be paid the actual cost of use of machinery and tools and of material and labor expended by him in doing the work, plus not more than 15 percent to cover all profits, supervision, and any other expense. No more than the lowest current market prices shall be paid for materials.

CHAPTER 413

An act to amend Section 907, 972, 1321, 1481, 1488, 1489, 1496, 1550.3, and the heading of Chapter 3 of Division 2 of the Streets and Highways Code, and to repeal Sections 1322, 1323, and 1324 of said code, relating to county road commissioners and county highways.

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 907 of the Streets and Highways Code is amended to read:

907. Any owner or occupant of land may construct a sidewalk on the county highway along the line of his land, subject to the authority conferred by law on the board of supervisors. Any person using such sidewalk, other than as a pedestrian, without permission of the owner or occupant, is liable to such owner or occupant in the sum of five dollars ($5) for each trespass, and for all damages caused by such usage. Sidewalks

SEC. 2. Section 972 of said code is amended to read:

972. A board of supervisors may, by ordinance, permit the use of any county highway which connects with a main county highway of an adjoining county, by the board of supervisors of such adjoining county for the purpose of constructing and maintaining thereon a highway serving the needs of residents of both counties. Adjoining county highways

SEC. 3. The heading of Chapter 3 of Division 2 of said code is amended to read:

CHAPTER 3 ROAD DISTRICTS

SEC. 4. Section 1321 of said code is amended to read:

1321. All county bridges, not otherwise specially provided for, are maintained in the same manner as county highways are maintained. Such bridges are under the management and control of the board of supervisors. County bridges

SEC. 5. Sections 1322, 1323, and 1324 of said code are repealed. Repeals

SEC. 6. Section 1481 of said code is amended to read:

1481. The road commissioner may, by notice, require the removal of any encroachment from any county highway. County highways Encroachments

SEC. 7. Section 1488 of said code is amended to read:

1488. Any person who, in storing or distributing water for any purpose, permits water to overflow or by seepage to saturate any county highway, to the injury of the highway, shall, upon notification by the road commissioner, repair the injury occasioned by such overflow or seepage. If such repair is not made by such person within a reasonable time, the road commissioner shall make such repairs and recover the expense of such repairs from such person in an action at law brought in the name of the county. Water damage

SEC. 8. Section 1489 of said code is amended to read:

Bridges and ditches

1489. Unless a bridge is constructed in accordance with Section 1490, all persons excavating irrigation, mining or drainage ditches across county highways shall construct bridges across such ditches wherever such ditches cross such highways. If such persons fail to construct such bridges, the road commissioner shall construct them and shall recover from such persons, in an action at law brought in the name of the county, the expense of such construction.

SEC 9. Section 1496 of said code is amended to read:

Penalties

1496. The road commissioner shall recover all penalties or forfeitures given in this chapter and the recovery of which is not otherwise provided for, by suit in the name of the county. He shall pay such recoveries into the special road improvement fund.

The provisions of this section are applicable to Sections 1484, 1485, 1487, 1492, 1493, 1494, and 1495, and to any other provision in this chapter imposing penalties or forfeitures.

SEC 10. Section 1550.3 of said code is amended to read:

Performance of work

1550.3. All work done in special road maintenance districts shall be done by the county road commissioner and all laws relating to the expenditure of road funds raised by property taxes shall apply to the expenditures of said districts.

CHAPTER 414

An act to amend Sections 1020 and 1550.1 of the Streets and Highways Code, relating to road districts.

In effect September 11, 1957

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

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

SECTION 1. Section 1020 of the Streets and Highways Code is amended to read:

Road districts

1020. The boards of supervisors may divide their respective counties into suitable road districts, may change the boundaries thereof, and may create new districts. The board shall not include in such road district any city wherein street work and improvements are done by virtue of any law relating to street work and improvements within such city.

SEC. 2. Section 1550.1 of said code is amended to read:

Special road maintenance districts

1550.1. The board of supervisors may form special road maintenance districts in subdivided areas of the county wholly outside of incorporated cities. Formation of said districts may be ordered by the board of supervisors when in their opinion additional road funds are necessary to properly maintain roads in specific areas of the county. Such districts shall be formed by order of the board setting forth the boundaries thereof. Such district shall be in existence until the board shall by its order discontinue such district. If such a district is to

be formed, the board of supervisors shall set a date for a hearing on said formation. Such hearing shall not be held in less than three weeks after the date of the order for the hearing, and prior to the date of the hearing, a notice of said hearing shall be published twice in a newspaper of general circulation in the area, and, in addition, at least three notices shall be posted in public places within the proposed district. At the hearing, protests may be heard on the proposed formation of such district. It shall be within the power of the board of supervisors to determine from the results of the hearing the necessity for said special road maintenance district, and, if it be deemed necessary, the district may be formed as hereinbefore provided.

CHAPTER 415

An act to repeal Sections 340.2, 340.3 and 355.2 of, to amend Sections 349.9, 355 and 355.1 of, and to add Section 380.52 to, the Agricultural Code, relating to hide and brand inspection.

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

In effect September 11, 1957

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

SECTION 1. Sections 340.2, 340.3 and 355.2 of the Agricultural Code are hereby repealed. Repeals

SEC. 2. Section 349.9 of said code is amended to read:

349.9. Unless the shipment is released pursuant to Section 350, 350.2 or 364.9, no common carrier, or owner or driver of any conveyance shall receive for transportation or transport any cattle, or the hides or the carcasses thereof, until the same have been inspected, and said carrier, owner or driver has been furnished with duplicate brand inspection certificates signed by an inspector, showing the brands, or brands and marks, the names of the shipper and consignee, and the origin and destination of the shipment. Transportation of cattle, hides, etc

The duplicate brand inspection certificate hereinabove referred to shall accompany to destination any cattle being transported over a public thoroughfare.

SEC. 3. Section 355 of said code is amended to read:

355. The bureau shall maintain for a period of five years a file of brand inspection certificates in such manner as to disclose the number of cattle, carcasses or hides which have been inspected. Inspection records

SEC. 4. Section 355.1 of said code is amended to read:

355.1. Any person is entitled to examine any inspection certificates on file with the bureau. Public examination

SEC. 5. Section 380.52 is added to said code, to read:

380.52. Inspection of horses, mules and burros for shipment out of the State may be made at the request of the owner in the same manner and for the same fees as are provided for bovine animals. Inspection of horses, etc

CHAPTER 416

An act to amend Section 5008 of the Education Code, relating to the use of banks as clearing accounts.

In effect September 11, 1957

[Approved by Governor May 13, 1957. Filed with Secretary of State May 13, 1957.]

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

SECTION 1. Section 5008 of the Education Code is amended to read:

5008. The governing board of any school district may authorize any school district governed by it to deposit in one or more bank accounts as clearing accounts any miscellaneous receipts, including receipts from the sale of property or materials pursuant to Section 18706 or 18707 of this code, received or collected by the school district, and may provide for the withdrawals from such accounts. All moneys in any such bank account shall be paid into the county treasury within the time periods specified pursuant to Section 5002. Cashiers' checks, certified checks, and money placed in the custody of the school district as security that a bidder will execute or faithfully perform a contract, if awarded to him, may be deposited in any such bank account but shall not be paid into the county treasury to the credit of the school district unless forfeited or unless unclaimed by the bidder for a period of 12 months.

Such bank accounts shall not be subject to the deposit of funds provisions of Article 2, Chapter 4, Part 1, Division 2, Title 5 of the Government Code, except to the extent provided by Section 53679 of the Government Code.

CHAPTER 417

An act to add Section 264 to the Revenue and Taxation Code, relating to the orphanage exemption, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.]

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

SECTION 1. Section 264 is added to the Revenue and Taxation Code, to read:

264. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1955 or 1956 on property as to which the orphanage exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

No amount shall be canceled or refunded pursuant to this section unless the person or organization otherwise entitled to such cancellation or refund has first complied with the provisions of Section 32 of this code, relating to the loyalty declaration.

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:

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

CHAPTER 418

An act to amend Section 906 of the Streets and Highways Code, relating to county highways.

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 906 of the Streets and Highways Code is amended to read:

906. The width of all county highways, other than bridges, alleys, lanes, and trails, shall be at least 40 feet, except as provided by Section 969 and except that the board of supervisors of any county may, by a resolution passed by a unanimous vote of its members, determine that the public convenience and necessity demand the maintenance of a highway of less than 40 feet and may after such determination proceed with the maintenance of any such highway.

This section shall not increase or diminish the width of any county highway established, dedicated, and maintained as such prior to January 1, 1945.

CHAPTER 419

An act to add Section 8654 to the Revenue and Taxation Code, relating to use fuel tax.

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 8654 of the Revenue and Taxation Code is added, to read:

8654. No tax shall be imposed as to any fuel used in any motor vehicle owned by any county, city and county, city, district, or other political subdivision or public agency when operated by it over any highway constructed and maintained by the United States or any department or agency thereof within a military reservation in this State. If any such motor vehicle is operated both over such highway and over a public highway outside the military reservation in a continuous trip the tax shall be imposed only as to that portion of the fuel used to operate the vehicle over the public highway outside the military reservation.

Nothing contained in this section shall be construed as an exemption from the tax of the use of fuel in any motor vehicle operated upon a public highway within a military reservation, which highway is constructed and or maintained by this State or any political subdivision thereof.

As used in this section, "military reservation" includes any establishment of the United States Government or any agency thereof used by the armed forces of the United States for military, air, or naval operations, including research projects.

CHAPTER 420

An act to amend Sections 2650, 2651, 2653, 2654, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, and 2667 of, to add Sections 2658.1, 2658.5, 2660.1 and 2660.5 to, and to repeal Section 2668 of, the Labor Code, relating to manufacturing in homes.

In effect September 11, 1957

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.]

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

SECTION 1. Section 2650 of the Labor Code is amended to read:

Definitions

2650. As used in this part:

(a) "To manufacture" means to make, process, prepare, alter, repair, or finish in whole or in part, or to assemble, inspect, wrap, or package any articles or materials.

(b) "Employer" means any person who, directly or indirectly or through an employee, agent, independent contractor, or any other person, employs an industrial homeworker.

(c) "Home" means any room, house, apartment, or other premises, whichever is most extensive, used in whole or in part as a place of dwelling; and includes outbuildings upon premises that are primarily used as a place of dwelling, where such outbuildings are under the control of the person dwelling on such premises.

(d) "Industrial homework" means any manufacture in a home of materials or articles for an employer when such

articles or materials are not for the personal use of the employer or a member of his family.

(e) "Division" means the Division of Industrial Welfare.

(f) "Industrial homeworker" means any person who does industrial homework.

(g) "To employ" means to engage, suffer or permit any person to do industrial homework, or to tolerate, suffer, or permit articles or materials under one's custody or control to be manufactured in a home by industrial homework.

(h) "Person" means any individual, partnership and each partner thereof, corporation, or association.

SEC. 2. Section 2651 of said code is amended to read:

2651. The manufacture by industrial homework of any of the following materials or articles shall be unlawful, and no license or permit issued under this part shall be deemed to authorize such manufacture: articles of food or drink; articles for use in connection with the serving of food or drink; articles of wearing apparel for use of children 10 years of age or under; toys and dolls; tobacco, drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character; articles, the manufacture of which by industrial homework is determined by the division to be injurious to the health or welfare of the industrial homeworkers within the industry or to render unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry. Unlawful manufacture

SEC. 3. Section 2653 of said code is amended to read:

2653. To effectuate the provisions of this part, the division shall have the powers given by Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code to a head of a department. Powers

SEC. 4. Section 2654 of said code is amended to read:

2654. If, on the basis of information in its possession, with or without an investigation, the division shall find that industrial homework cannot be continued within an industry without injuring the health and welfare of the industrial homeworkers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in that industry, the division shall by order declare such industrial homework unlawful and require all employers in the industry to discontinue manufacture by industrial homework, except as may be otherwise provided in the order pursuant to the provisions of Section 2657 of this code. Industrial homework licenses and permits previously issued in that industry shall then be void and none shall thereafter be issued except pursuant to the provisions of Section 2657 of this code. Order to discontinue

SEC. 5. Section 2658 of said code is amended to read:

2658. No person shall employ an industrial homeworker unless the person employing an industrial homeworker has Employee's permit

obtained a valid industrial homework license from the division.

Application for a license to employ industrial homeworkers shall be made to the division in such form as the division may by regulation prescribe. A license fee of fifty dollars ($50) shall be paid to the division and said license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended. The division may revoke or suspend the license upon a finding that the person has violated this part or has failed to comply with the regulations of the division or with any provision of the license. The industrial homework license shall not be transferable.

All license fees received under this part shall be paid into the State Treasury.

SEC. 6. Section 2658.1 is added to said code, to read:

Manufacturer without license

2658.1. Every person who, without having in his possession a then valid industrial homework license issued to him by the Division of Industrial Welfare, negligently fails to prevent articles or materials under his custody or control from being taken to a home for manufacture by industrial homework is guilty of a misdemeanor. Possession, control or custody of articles or materials for the purpose of manufacture by industrial homework by a person other than the owner or operator of a factory shall be presumptive evidence that said owner or operator has negligently failed to prevent articles or materials under his custody or control from being taken to a home for manufacture by industrial homework, where it is established that such owner or operator is entitled to possession, control or custody of such articles.

SEC. 7. Section 2658.5 is added to said code, to read:

Penalties

2658.5. Every person who, without having in his possession a then valid industrial homework license issued to him by the Division of Industrial Welfare, employs an industrial homeworker, or who tolerates, suffers, or permits articles or materials under his custody or control to be taken to a home for manufacture by industrial homework or who accepts and pays a person for the manufacture in a home of articles and materials by industrial homework is guilty of a misdemeanor which misdemeanor shall be punished for the first offense by a fine of not less than one hundred dollars ($100) or by imprisonment in the county jail for not less than 10 days, or by both fine and imprisonment, and for each subsequent conviction by a fine of not less than two hundred fifty dollars ($250) or imprisonment in the county jail for not less than 30 days, or by both fine and imprisonment.

SEC. 8. Section 2659 of said code is amended to read:

License or permit

2659. No person shall engage, suffer or permit any person to do industrial homework, or tolerate, suffer or permit articles or materials under his custody or control to be manufactured by industrial homework by a person who is not in possession of either a valid employer's license or homeworker's permit issued in accordance with this part.

SEC. 9. Section 2660 of said code is amended to read:

2660. No person shall do industrial homework within this State unless he has in his possession a valid homeworker's permit issued to him by the division. The permit shall be issued without cost and shall be valid for industrial homework performed for the licensed employer of industrial homeworkers, named therein, for a period of one year from the date of its issuance unless sooner revoked or suspended. Application for a permit shall be made in such form as the division may by regulation prescribe. The permit shall be valid only for work performed by the applicant himself in his own home. Homeworker's permit

SEC. 10 Section 2660.1 is added to said code, to read:

2660.1. Every person doing industrial homework, with or without a valid homeworker's permit issued by the division, shall reveal to the division, on demand, the name and address of the employer, the name and address of the owner or source of the articles or materials for industrial homework, the rate of compensation and any other information known to the homeworker and pertinent to the enforcement of this section. This information so revealed by the homeworker to the division shall not be used by the division in any action against or prosecution of the homeworker. Industrial homework

SEC 11. Section 2660 5 is added to said code, to read:

2660.5. Every person who does industrial homework without having in his possession a valid homeworker's permit issued to him by the Division of Industrial Welfare is guilty of a misdemeanor which misdemeanor shall be punishable for the first offense by a fine of not more than ten dollars ($10) and for the second offense by a fine of not more than twenty-five dollars ($25). Penalty

SEC. 12. Section 2661 of said code is amended to read:

2661. No homeworker's permit shall be issued to any person under the age of 16 years, except as provided in Chapters 4 and 5 (commencing with Section 16601) of Division 8 of the Education Code; or to any person suffering from an infectious, contagious, or communicable disease or to any person living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease. Qualification

SEC. 13. Section 2662 of said code is amended to read:

2662 The division may revoke or suspend any homeworker's permit upon a finding that the industrial homeworker is performing industrial homework contrary to the conditions under which the permit was issued or in violation of this part or has permitted any person not holding a valid homeworker's permit to assist him in performing industrial homework or on expiration or revocation of the industrial homework license of the employer. Suspension or revocation

SEC. 14. Section 2663 of said code is amended to read:

2663. No person shall tolerate, suffer or permit any materials or articles to be manufactured by industrial homework unless there has been conspicuously affixed to each article or material or, if this is impossible, to the package or other con- Label

tainer in which such goods are kept, a label or other mark of identification bearing the employer's name and address, printed or written legibly in English.

SEC. 15. Section 2664 of said code is amended to read:

Removal and destruction of materials

2664. Any article or material which is being manufactured in a home in violation of any provision of this part may be removed by the division and may be retained by it for 30 days or until the final determination of any court action instituted by the division thereon. The division shall, by registered mail, give notice of such removal to the person whose name and address are affixed to the article or material as provided in this part Unless the owner or person entitled to the possession of the article or material so removed, requests the return thereof in writing during the time set forth above, and gives a written receipt for the article or material returned to him, it may be disposed of or destroyed by the division.

SEC. 16. Section 2665 of said code is amended to read:

Employers Duties and records

2665. Every person who employs or otherwise avails himself of the services of industrial homeworkers in this State shall:

(a) Comply with the labor standards as provided in Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(b) Keep in a manner approved by the division, accurate information as follows:

1. Full name and home address of each industrial homeworker employed by him;

2 Amount and description of materials delivered to each industrial homeworker employed by him with date of delivery, and rate of compensation;

3. Gross amount of compensation paid to each industrial homeworker employed by him and date of payment;

4. Names and addresses of all agents or independent contractors to whom he has delivered materials or articles for manufacture by industrial homework together with quantity, description of materials and date of delivery;

5. Names and addresses of all manufacturers or independent contractors from whom he has received articles or materials for industrial homework together with quantity, description of materials and date of receipt.

(c) Furnish to the division at its request reports or information which the division requires to carry out the provisions of this part. Such reports and information shall be verified as requested by the division.

SEC. 17. Section 2666 of said code is amended to read:

Enforcement

2666. The Division of Industrial Welfare shall enforce the provisions of this part. The division and the authorized representatives of the Department of Industrial Relations are authorized and directed to make all inspections and investigations necessary for the enforcement of this part. Every employer shall permit authorized employees of the division free access to his place of business for the purpose of making investiga-

tions authorized by this part or necessary to carry out its provisions and permit them to inspect and copy his pay roll or other records or documents relating to the enforcement of this part, or interview his employees or agents. Rules and regulations necessary to carry out the provisions of this part shall be made by the division and the violation of any such rule or regulation shall be deemed a violation of this part.

SEC. 18. Section 2667 of said code is amended to read:

2667. Unless otherwise provided herein, every person acting either individually or as an officer, agent, employee or independent contractor for another person who violates or refuses or neglects to comply with any provision of this part, or any regulation of the division made in accordance with the provisions of this part is guilty of a misdemeanor. Penalty

Whenever the provisions of this part prohibit the employment of a person in certain work or under certain conditions, the employer shall not permit such person to work with or without compensation, and, in a prosecution or action thereon, lack of knowledge or consent by the employer shall be no defense.

SEC. 19. Section 2668 of said code is repealed. Repeal

CHAPTER 421

An act to amend Sections 14202, 14406 and 14803, and to repeal Section 15403 of the Financial Code, relating to credit unions.

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.] In effect September 11, 1957

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

SECTION 1. Section 14202 of the Financial Code is amended to read:

14202. The by-laws shall prescribe the manner in which the business of the credit union shall be conducted with reference to the following matters: Contents of by-laws

(a) The purpose of the corporation.

(b) The qualification for membership

(c) The date of the annual meeting; the manner of conducting meetings; the method by which members shall be notified of meetings; and the number of members which shall constitute a quorum.

(d) The number of directors necessary to constitute a quorum, and the compensation and duties of officers elected by the directors.

(e) The membership, powers, and duties of the supervisory committee.

(f) The membership, powers, and duties of the credit committee.

(g) The conditions upon which shares may be issued, paid for, transferred and withdrawn.

(h) The fines, if any, which shall be charged for failure to punctually meet obligations of the corporation.

(i) The conditions upon which certificates may be issued and withdrawn.

(j) The manner in which the funds of the corporation shall be employed.

(k) The conditions upon which loans may be made and repaid.

(*l*) The maximum rate of interest that may be charged upon loans.

(m) The method of receipting for money paid on account of shares, certificates or loans.

(n) The manner in which the guaranty fund shall be accumulated.

(o) The manner in which dividends may be determined and paid to members.

(p) The manner in which the by-laws may be amended.

SEC. 2. Section 14406 of said code is amended to read:

Directors' Duties

14406. Unless the by-laws expressly reserve any or all of the following duties to the shareholders it shall be a special duty of the directors:

(a) To act upon all applications for membership and to expel members for any of the following causes:

(1) Conviction of a criminal offense involving moral turpitude.

(2) Failure to carry out contracts, agreements or obligations with the credit union.

(3) Refusal to comply with the provisions of this division or of the by-laws.

Any member who shall have been expelled by the board of directors shall have the right to appeal therefrom to the members, in which event after hearing the order of suspension may be revoked by a two-thirds vote of the members present at a special meeting to consider the matter.

(b) To obtain adequate surety bond coverage for the treasurer and any assistant treasurer conditioned upon the honest performance of his trust. The minimum principal amount of such bond shall be based on the gross assets of the credit union, according to the following schedule:

Gross assets	Amount of bond
Up to $5,000	$1,000
5,001 to 15,000	2,000
15,001 to 30,000	3,000
30,001 to 50,000	4,000
50,001 to 75,000	5,000
75,001 to 100,000	7,500
100,001 to 150,000	10,000
150,001 to 200,000	15,000
200,001 to 300,000	20,000
300,001 to 500,000	25,000
500,001 to 750,000	30,000
750,001 to 1,000,000	40,000
1,000,001 or more	50,000

(c) To obtain adequate fidelity bond coverage for each officer and employee having control of or access to funds or securities owned by or pledged with a credit union commensurate with risks involved.

(d) To determine from time to time the rate of interest which shall be allowed on shares or certificates and interest rate on loans.

(e) To fix the maximum number of shares which may be held by, and the maximum amount which may be lent to any one member.

(f) To declare dividends.

(g) To recommend amendments to the by-laws.

(h) To fill vacancies in the board of directors or credit committee, and temporarily fill vacancies caused by the suspension of any member of the board of directors, or any or all members of the credit committee, pending a meeting of the shareholders to determine whether to affirm such suspension and vacate the office, or to reinstate such members.

(i) To direct the deposit or investment of funds, except loans to members, and to perform such other duties as the by-laws may prescribe.

(j) To designate alternate members of the credit committee who shall serve in the absence or inability of the regular members to perform their duties.

SEC. 3. Section 14803 of said code is amended to read:

14803. Every credit union may: Credit unions

(a) Fine members for failure to meet punctually obligations to such credit union. Fining members, etc

(b) Expel members.

(c) Impress a lien upon the shares and dividends of any member to the extent of any loans made to him and for any dues or fines payable by him.

(d) Cancel the shares of any member who withdraws or is expelled, and apply the value of the shares to the liquidation of the member's indebtedness to the credit union.

SEC. 4. Section 15403 of said code is repealed. Repeal

CHAPTER 422

An act to amend Section 689 of the Code of Civil Procedure, relating to third party claims.

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.] In effect September 11, 1957

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

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

689. If tangible or intangible personal property levied on, whether or not it be in the actual possession of the levying officer, is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting Third party claim

out the reasonable value thereof, his title and right to the possession thereof and delivered, together with a copy thereof, to the officer making the levy, such officer must release the property and the levy unless the plaintiff, or the person in whose favor the writ runs, within five days after written demand by such officer, gives such officer an undertaking executed by at least two good and sufficient sureties, in a sum equal to double the value of the property levied upon.

Such undertaking shall be made in favor of and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such levy or such seizing, taking, collecting, withholding, or sale of such property by such officer; provided, however, that where the property levied upon is required by law to be registered or recorded in the name of the owner and it appears that at the time of the levy the defendant or judgment debtor was the registered or record owner of such property and the plaintiff, or the person in whose favor the writ runs, caused the levy to be made and maintained in good faith, and in reliance upon such registered or record ownership, there shall be no liability thereunder to the third person by the plaintiff, or the person in whose favor the writ runs, or his sureties, or the levying officer.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. If they, or others in their place, fail to justify at the time and place appointed, such officer must release the property and the levy; provided, however, that if no exception is taken within five days after notice of receipt of the undertaking, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties.

If objection be made to such undertaking, by such third person, on the ground that the amount thereof is not sufficient, or if for any reason it becomes necessary to ascertain the value of the property involved, the property involved may be appraised by one or more disinterested persons, appointed for that purpose by the court in which the action is pending or from which the writ issued, or by a judge thereof, or the court or judge may direct a hearing to determine the value of such property.

If, upon such appraisal or hearing, the court or judge finds that the undertaking given is not sufficient an order shall be made fixing the amount of such undertaking, and within five days thereafter an undertaking in the amount so fixed may be given in the same form and manner and with the same effect as the original.

The officer making the levy may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim delivered to him. Such officer shall not be liable for damages to any such third person for the levy upon, or the collection, taking, keeping or sale of such property if no claim is delivered as herein

provided, nor, in any event, shall such officer be liable for the levy upon, or the holding, release or other disposition of such property in accordance with the provisions of this section.

If such undertaking be given, the levy shall continue and such officer shall retain any property in his possession for the purposes of the levy under the writ; provided, however, that if an undertaking be given under the provisions of Section 710b of this code, such property and the levy shall be released.

Whenever a verified third party claim is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the third party claimant, or any one or more joint third party claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining title to the property in question. Such hearing must be granted by the said court upon petition therefor, which must be filed within 10 days after the delivery of the third party claim to the officer. Such hearing must be had within 20 days from the filing of such petition, unless continued as herein provided. Ten days' notice of such hearing must be given to the officer, to the plaintiff or the person in whose favor the writ runs, and to the third party claimant, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question; provided, that no such notice need to be given to the party filing the petition. The court may continue the hearing beyond the said 20-day period, but good cause must be shown for any such continuance. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may, by order, stay execution sale, or forbid a transfer or other disposition of the property involved, until the proceedings for the determination of such title can be commenced and prosecuted to termination, and may require, as a condition of such order, such bond as the court may deem necessary. Such orders may be modified or vacated by the judge granting the same, or by the court in which the proceeding is pending, at any time prior to the termination of such proceedings, upon such terms as may be just. At the hearing had for the purpose of determining title, the third party claimant shall have the burden of the proof. The third party claim delivered to the officer shall be filed by him with the court and shall constitute the pleading of such third party claimant, subject to the power of the court to permit an amendment in the interest of justice, and it shall be deemed controverted by the plaintiff or other person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in any proceedings under this section. At the conclu-

sion of the hearing the court shall give judgment determining the title to the property in question, which shall be conclusive as to the right of the plaintiff, or other person in whose favor the writ runs, to have said property levied upon, taken, or held, by the officer and to subject said property to payment or other satisfaction of his judgment. In such judgment the court may make all proper orders for the disposition of such property or the proceeds thereof If the property or levy shall have been released by the officer for want of an undertaking, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake or levy upon the property on such writ if the writ is still in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take or otherwise levy upon such property. An appeal lies from any judgment determining title under this section, such appeal to be taken in the manner provided for appeals from the court in which such proceeding is had.

CHAPTER 423

An act to amend Section 14906 of, and to repeal Sections 14895, 14896 and 14907 of, the Health and Safety Code, relating to weed abatement.

In effect September 11, 1957

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.]

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

SECTION 1. Sections 14895, 14896 and 14907 of the Health and Safety Code are repealed.

SEC. 2. Section 14906 of said code is amended to read:

14906. Before the report is submitted to the board of supervisors, a copy of it shall be posted for at least three days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

Notice of the hearing prescribed in Section 14892 shall be published once in a newspaper of general circulation printed and published in the county, not less than 10 days prior to the date of the hearing.

CHAPTER 424

An act to add Sections 870, 871, 872, 873, and 874 to the Fish and Game Code, and add Sections 8220, 8221, 8222, 8223, and 8224 to the Fish and Game Code as proposed by Assembly Bill No. 616, relating to commercial fishing, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 14, 1957 Filed with Secretary of State May 14, 1957]

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

SECTION 1. The State has a vital interest in the salmon resources of the Pacific Ocean both within and beyond the

territorial limits of the State, in that a large number of such salmon spawn in its fresh-water streams, migrate to the waters of the Pacific Ocean and, in response to their anadromous cycle, return to the fresh-water streams to spawn.

Expansion of fishing for salmon by the use of nets in waters of the eastern Pacific Ocean, which has occurred in the past year, will result in a substantial depletion of salmon originating within the State because the salmon runs are intercepted before they separate to move in toward the rivers of their origin. Oregon, Washington and Canada, through their respective fisheries agencies, have likewise expressed a deep concern over this problem since portions of such salmon originate within their respective jurisdictions. Short of absolute prohibition, it appears to be presently impracticable to regulate salmon net fishing in such waters of the Pacific Ocean by any known scientific fisheries management techniques in order to insure adequate salmon escapement to the three Pacific Coast states and Canada, the reason being that salmon stocks and races are so commingled in such Pacific Ocean waters that they are indistinguishable as to origin until they enter the harbors, bays, straits and estuaries of the respective jurisdictions.

Canada, through its authorized officials, has proposed to prohibit its nationals from net fishing for salmon in Pacific Ocean waters; provided, the United States or the three Pacific Coast states apply such appropriate conservation measures to their respective citizens. Inasmuch as there is presently no congressional legislation prohibiting such fishing, and inasmuch as authorized officials of the State Department of the United States have expressed a desire to have the states act in this area, the Pacific Marine Fisheries Commission has proposed and recommended appropriate legislation to the three Pacific Coast states to insure the survival of their valuable salmon resources.

SEC. 2. Section 870 is added to the Fish and Game Code, to read:

870. It shall be unlawful for any person to take by the use of any type of net, any salmon within the waters of the Pacific Ocean over which the State has jurisdiction. This section does not apply to such waters within Districts 12B and 16. Salmon nets

SEC. 3. Section 871 is added to said code, to read:

871. It shall be unlawful for any citizen of this State to take by the use of any type of net, any salmon within the international waters of the Pacific Ocean.

"International waters" means waters outside the territorial boundaries of any state, territory, or country.

A "citizen of this State" means a person who maintains his usual place of abode within the State.

SEC. 4. Section 872 is added to said code, to read:

872. It is unlawful for any person to transport through the Pacific Ocean waters of the State or to have in his possession anywhere within the State, any salmon which were taken Transportation of salmon

by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this State or of another state, territory or country where fishing for salmon with nets is unlawful, and it is unlawful for any person to possess any salmon on board any vessel carrying any net within Pacific Ocean waters of this State. The provisions of this section do not apply to waters within Districts 12B and 16 nor to the use of bait gill nets with meshes less than two inches in length or to hand dip nets, or to salmon taken lawfully under the authority of any state, territory or country.

SEC. 5. Section 873 is added to said code, to read:

Intent and operative date

873. The intent of Sections 870, 871, and 872 of this code is to give effect to the recommendations of the Pacific Marine Fisheries Commission in providing comparable regulations coast-wide for salmon only. These sections shall become inoperative one year from their effective date, unless laws or regulations are in effect in Oregon, Washington and Canada which are determined by the director to be in substance or effect similar either to Sections 870 and 871 or to the provisions of Section 872 relating either to transportation or to possession. The director shall announce his determination within 30 days of receiving notification from the Secretary of State that copies of such laws or regulations have been received by the Secretary of State. Each year, on or before April 15th, the director shall ascertain whether or not such laws or regulations are still in effect. If they are still in effect, Sections 870, 871 and 872 shall remain operative. If they are not in effect, these sections shall be inoperative from April 15th of the year in which such determination is made. The laws or regulations shall be considered to be in effect initially upon receipt by the Secretary of State of a certificate from each of the respective Secretaries of State of Oregon and Washington and, on behalf of Canada, from the Department of State of the United States, setting forth copies of such laws or regulations and the date of the enactment.

In any prosecution under Sections 870, 871, and 872, proof of the existence of such laws and regulations may be made by filing copies of such certificates, certified by the director to be true copies, with the court.

SEC. 6. Section 874 is added to said code, to read:

Exception Scientific investigation

874. None of the provisions of Sections 870, 871, and 872 shall be construed to make it unlawful to use nets for the taking of salmon for purposes of scientific investigation authorized by the State.

Urgency

SEC. 7. 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:

Recently a high seas net fishery was developed off the State of Washington's coast, capable of destroying large numbers of immature salmon. This fishery, which the States of Washington

and Oregon are planning to bring under control, threatens to spread to California. This would constitute an undue drain on the resource and would discriminate against the troll fishermen of this State. In order to provide for the regulation of the 1957 fishery, it will be necessary for this act to be in effect as of April 15, 1957.

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper place in that code, Chapter 456 of Statutes of 1957 as required by Section 9762 of the Government Code.

SEC. 13. Sections 8, 9, 10, 11, and 12 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 870, 871, 872, 873, and 874 of the Fish and Game Code adopted in 1933, are repealed. Effect Stats 1957, Ch 456

CHAPTER 425

An act to add Article 1a, commencing with Section 10440, to Chapter 5, of Part 2, Division 2 of the Insurance Code, relating to the regulation of the internal affairs of mutual insurers.

[Approved by Governor May 14, 1957. Filed with Secretary of State May 14, 1957.] In effect September 11, 1957

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

SECTION 1. Article 1a commencing with Section 10440 is added to Chapter 5 of Part 2, Division 2 of the Insurance Code, to read:

Article 1a. Regulation of Internal Affairs of Mutual Insurers

10440. In any meeting of members of a domestic mutual insurer writing classes of insurance which include life or disability insurance, the presence in person or by proxy or written vote of 5 percent of the members entitled to vote shall constitute a quorum for the transaction of business unless a higher percentage is required by this code or by the by-laws or articles of incorporation of the insurer. Quorum

10441. The provisions of Section 10440 shall not apply to any of the transactions, meetings, or votes described in Sections 3901, 4107, and 4600 of the Corporations Code. Exceptions

10442. Except as otherwise provided in this article or in the other provisions of this code, the internal affairs of every domestic mutual insurer writing classes of insurance which include life or disability insurance shall be governed by Division 1 of Title 1 of the Corporations Code. Internal affairs

For the purpose of applying the provisions of Division 1 of Title 1 of the Corporations Code, the provisions thereof re-

ferring to shareholders or members shall be applied as though such provisions referred to the policyholders or members of a mutual insurer.

CHAPTER 426

An act to add Section 32130.5 to the Health and Safety Code, relating to hospital districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 15, 1957. Filed with Secretary of State May 15, 1957.]

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

SECTION 1. Section 32130.5 is added to the Health and Safety Code, to read:

32130.5. The first board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within two years from the date of borrowing with interest at a rate not to exceed 5 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section and Section 32130 during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue of the following fiscal year based on the total assessed value for county tax purposes of the property within the district at the date of its formation.

The provisions of Section 32130 are applicable in respect to any indebtedness incurred under this section to the extent that they are consistent with this section.

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

Many newly formed hospital districts formed under the Local Hospital District Law are without funds for the commencement of their initial operations and are presently unable to obtain the means for financing such operations from the time of their formation to the commencement of the next fiscal year. This bill will remedy this situation and thus enable these districts to perform services for which there is an urgent and overwhelming need in the areas for which they have been established.

CHAPTER 427

An act to amend Section 1828 of the Education Code, relating to school district elections.

[Approved by Governor May 15, 1957. Filed with Secretary of State May 15, 1957.] In effect September 11, 1957

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

SECTION 1. Section 1828 of the Education Code is amended to read:

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 in the district pursuant to Section 6066 of the Government Code. 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.

CHAPTER 428

An act making an appropriation to pay the expenses of Members of the Assembly, to take effect immediately.

[Approved by Governor May 15, 1957. Filed with Secretary of State May 15, 1957.] In effect immediately

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

SECTION 1. The sum of thirty-eight thousand four hundred dollars ($38,400), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury in augmentation of Item 9 of the Budget Act of 1956 to pay the expenses of the Members of the Assembly.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 429

An act to add Article 16.5 (consisting of Sections 73970 to 73975, inclusive) to Chapter 10 of Title 8 of the Government Code, relating to the municipal court established in the Ontario Judicial District.

[Approved by Governor May 15, 1957. Filed with Secretary of State May 15, 1957.] In effect September 11, 1957

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

SECTION 1. Article 16.5 is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 16.5. Ontario

Ontario Judicial District Officers, etc.

73970. This article applies to the municipal court established in a district embracing the Ontario Judicial District in the County of San Bernardino.

73971. There shall be one judge.

73972. There shall be one chief clerk who may appoint one court clerk, one clerk III, and three clerks II.

73973. There shall be one marshal who may appoint one deputy bailiff marshal and one deputy marshal clerk II.

73974. 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	$532
Court clerk	327	343	360	378	397
Clerk III	269	282	296	311	327
Clerk II	244	256	269	282	296
Marshal	460	460	460	460	460
Deputy bailiff marshal	327	343	360	378	397
Deputy marshal clerk II	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."

Salary adjustment

73975. 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 San Bernardino, 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.

CHAPTER 430

An act to add Chapter 4 (commencing at Section 1300) to Division 6 of the Military and Veterans Code, relating to veterans' organizations, creating the United Spanish War Veterans Commission, and prescribing its powers and duties, and making an appropriation.

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.]

In effect September 11, 1957

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

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

CHAPTER 4. UNITED SPANISH WAR VETERANS

Commission Members

1300. The United Spanish War Veterans Commission is hereby created, consisting of five members who shall be appointed by the Governor. Three of such appointees shall be active members of and in good standing in the Department of California, United Spanish War Veterans, and shall be nominated by the department commander and recommended by the Council of Administration of the Department of California, United Spanish War Veterans. The other two members shall be appointed from the citizens of the State at large. The members of the commission shall serve for terms of four years and until their successors are appointed and have qualified.

Compensation

1301. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

Meetings

1302. The commission shall meet at Sacramento within 30 days after the effective date of this chapter and shall organize by electing a chairman, a vice chairman, and a secretary from its membership. Thereafter the commission shall meet annually during the month of May at some place within the State as designated by the chairman.

The chairman may call special meetings of the commission by giving at least five days notice by mail to each commissioner of the time and place of any such meeting.

Duties

1303. It shall be the duty of the commission to promote and provide for the welfare of and assist in the maintenance of headquarters of the Department of California, United Spanish War Veterans, as an active unit of the National Encampment of the United Spanish War Veterans, by furnishing for its use adequate and suitable rooms for its headquarters office, including telephone, electric, water, and other necessary utility services; to supply such Department of California with necessary printed matter, postage, and other items

necessary to enable it to function properly and obtain and maintain adequate Department reports.

Powers

1304. The commission is vested with all powers necessary to carry out the provisions of this chapter and may employ such personnel as is required therefor.

Appropriation

SEC. 2. The sum of six thousand dollars ($6,000) is hereby appropriated from the General Fund in the State Treasury to the United Spanish War Veterans Commission to carry out the provisions of Chapter 4 of Division 6 of the Military and Veterans Code during the 1957-58 Fiscal Year.

CHAPTER 431

An act making an appropriation to pay the expenses of Members of the Senate, to take effect immediately.

In effect immediately

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.]

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

SECTION 1. The sum of nineteen thousand two hundred dollars ($19,200), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury in augmentation of Item 4 of the Budget Act of 1956 to pay the expenses of the Members of the Senate.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 432

An act to validate the organization, boundaries, acts, proceedings, and bonds of transit districts, relating to the powers and functions of a transit district, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.]

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a transit district 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 district, and all instruments payable from revenues or special funds of such transit districts, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All transit districts 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 transit district. Every such transit district shall have all the rights, powers, and privileges and be subject to all the duties and obligations of such a transit district regularly formed pursuant to law.

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

SEC. 4. All acts and proceedings heretofore taken by any transit district under any law, or under color of any law, for the annexation or inclusion of territory into any such transit district or for the annexation of any such transit district to any other such transit district or for the withdrawal or exclusion of territory from any such transit district are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such transit district 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.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any transit district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such transit district 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 transit district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any transit district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the transit district. 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 transit district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any transit district 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 transit district.

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

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

(c) Nothing contained herein shall be construed to render the creation of any district, or any change in the boundaries of any district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Chapter 8 (commencing at Section 54900), Part 1, Division 2, Title 5 of the Government Code, is filed substantially within the time and in the manner required by said sections.

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

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

SEC. 8. This act may be cited as the Transit District Validating Act of 1957.

SEC. 9. 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.

SEC. 10. 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 transit districts, and such functioning depends upon the validating of the organization, boundaries, and governing officers or boards of transit districts, and upon the validity of acts, proceedings, and bonds of transit districts, 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 services and facilities provided by transit districts;

(2) Public works and construction by transit districts can be commenced and continued without delay or restriction to provide services and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population

(3) Transit districts can issue and sell bonds heretofore authorized for the purpose of providing services 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 transit districts or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 433

An act to amend Sections 25802, 25841, and 25844 of the Public Utilities Code, relating to transit districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.] In effect immediately

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

SECTION 1. Section 25802 of the Public Utilities Code is amended to read:

25802. A district may without limitation by any other provisions of this division requiring approval of indebtedness, accept contributions of money, rights of way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this division enter into any contracts and cooperate with and accept cooperation from the State, or any department, instrumentality, or agency thereof, or any public agency of the State in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities. Donations; Cooperation with other agencies

SEC. 2. Section 25841 of said code is amended to read:

25841. A district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the voters voting on the proposition to incur such indebtedness; except that a further vote of the voters is not required for any indebtedness incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district. Incurring indebtedness

Until July 1, 1958, a district may borrow money and incur indebtednesses in an amount not more than would be raised by a tax of five cents ($0.05) per one hundred dollars ($100) of assessed valuation of all property in the district without securing the approval of the voters as required by this section, but no bonds shall be issued unless such approval is first secured Limitation

SEC. 3. Section 25844 of said code is amended to read:

25844. A district may accept, without limitation by any other provisions of this division requiring approval of indebtedness, contributions or loans from the United States, this State, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept coopera- Federal assistance

tion from, the United States, this State, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this State in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance, and operation of any such transit facilities. A district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

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:

Because of continued deterioration of public transit facilities in the area in which transit districts may be formed under the Transit District Law an imminent collapse of such facilities impends. The provisions of this act are urgently required to permit districts already formed under the Transit District Law to take immediate action to carry out the purposes of such law.

CHAPTER 434

An act to amend Sections 34311 and 34326 of, and to add Sections 34314.5 and 34322.5 to the Government Code, relating to cities, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.]

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

SECTION 1. Section 34311 of the Government Code is amended to read:

Organization of new cities Hearing

34311. The board shall hold a hearing at the time fixed and may adjourn the hearing from time to time, for periods not to exceed two months in all. At any time during the course of the hearing, any person desiring to do so may propose a name for the city different from that suggested by the proponents.

SEC. 2. Section 34314.5 is added to said code, to read:

City name

34314.5. The board may, if it deems it advisable, accept any proposal made at the hearing for a name for the city different than that suggested by the proponents, and in the

event that it does so, shall submit both names to the electors as alternate proposals at the election to determine whether the city should be incorporated.

SEC. 3. Section 34322.5 is added to said code, to read:

34322.5. If the board has accepted a proposed name for the city different than that suggested by the proponents, the notice of the election shall also inform the voters of their right to express their preference as between the names proposed, and the ballots used at the election shall contain the proposed names of the city as alternative proposals. That name receiving a majority of the votes cast at the election shall constitute the official name of the city. Election

SEC. 4. Section 34326 of said code is amended to read:

34326. If a majority of the votes cast is for incorporation, by an order entered upon its minutes, the board shall declare the territory incorporated as a city, give it the name suggested by the proponents or favored by the electors, as the case may be, and declare the persons receiving the highest number of votes for the several offices to be elected to those offices. Incorporation

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

There are pending incorporation proposals in which it is desired that the voters be allowed to choose between alternative names for the new city at the incorporation election. In order that such incorporation proposals not be defeated because of the absence of such option, thus preventing the furnishing of essential governmental services to the territory affected, it is necessary that this act take effect immediately.

CHAPTER 435

An act to amend Section 5418 of the Public Resources Code, relating to dissolution of recreation, park, and parkway districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.] In effect immediately

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

SECTION 1. Section 5418 of the Public Resources Code is amended to read:

5418. Upon receiving a petition, signed by 20 percent of the registered voters of the district, requesting its dissolution, its governing body shall, by resolution, call an election for this purpose. The provisions of Title 6, Chapter 1, Article 10 of the Government Code shall not apply to the dissolution of districts organized under this article.

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 existing provisions of the Public Resources Code pertaining to districts defined under Section 5400 thereof provide no workable procedure for the dissolution of a district which, for all practical purposes, is included within a city and whose function thereby becomes a municipal affair. Many new cities have been formed since the enactment of the existing dissolution procedures. Some of these cities were formed, in part, for the purpose of taking over the district functions. In such instances, districts have, in some cases, refrained from levying taxes to cover the cost of the district operation and will continue to refrain from levying taxes during the Fiscal Year 1957-58. As a result, therefore, if this law does not go into effect immediately upon its enactment, the public peace, health, and welfare will suffer in that parks, recreation, and parkway services may not be supplied in such cities so embraced within a district until 90 days after the adjournment date of the 1957 Legislative Session. It is, therefore, necessary that this act take effect immediately.

CHAPTER 436

An act to add Section 5418.5 to the Public Resources Code, relating to dissolution of recreation, park and parkway districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.]

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

SECTION 1. Section 5418.5 is added to the Public Resources Code, to read:

5418.5. As an alternative method of dissolution, the governing body of the district may by resolution duly adopted, and in the absence of a petition by the registered voters, order an election to determine whether or not the district shall be dissolved. Upon the passage of such resolution, the governing body shall direct its clerk to publish a notice once a week for two successive weeks prior to the election in a newspaper circulated within the district, which newspaper shall be one which the governing body deems most likely to give notice to the electors of the district.

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 existing provisions of the Public Resources Code pertaining to districts defined under Section 5400 thereof provide no workable procedure for the dissolution of a district which, for all practical purposes, is included within a city and whose function thereby becomes a municipal affair. Many new cities have been formed since the enactment of the existing dissolution procedures. Some of these cities were formed, in part, for the purpose of taking over the district functions. In such instances, districts have, in some cases, refrained from levying taxes to cover the cost of the district operation and will continue to refrain from levying taxes during the Fiscal Year 1957-58. As a result, therefore, if this law does not go into effect immediately upon its enactment, the public peace, health, and welfare will suffer in that parks, recreation, and parkway services may not be supplied in such cities so embraced within a district until 90 days after the adjournment date of the 1957 Legislative Session. It is, therefore, necessary that this act take effect immediately

CHAPTER 437

An act to add Section 3451 to the Public Resources Code, relating to oil and gas.

[Approved by Governor May 16, 1957. Filed with Secretary of State May 16, 1957.] In effect September 11, 1957

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

SECTION 1. Section 3451 is added to the Public Resources Code, to read:

3451. "Maximum Efficient Rate," commonly referred to as "MER," is defined as the highest daily rate of production which can be sustained economically from a particular pool, from existing wells and facilities, for a reasonable period without loss of economically recoverable ultimate production of oil from such pool.

CHAPTER 438

An act to add Section 21155 to the Government Code, relating to the employment by certain contracting agencies of persons who have reached retirement age, to render engineering services in connection with the construction or installation of additional works or facilities needed by such contracting agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect immediately

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

SECTION 1. Section 21155 is added to the Government Code, to read:

Employment: Retired engineers

21155. A contracting agency which is furnishing a public water supply from the Colorado River and which is engaged in the construction or installation of additional works or facilities required to enable such contracting agency to meet increasing demands for water supplied by such contracting agency, may employ any person who has attained the age at which retirement is required for members of his class or who is receiving or is entitled to receive a retirement allowance under this system, and who, in the judgment of the governing body of the contracting agency, is qualified to render engineering services to such contracting agency in connection with the construction or installation of such additional works or facilities, and may pay such person for the engineering services so rendered. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the State Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

If such person is receiving a pension under the provisions of the State Employees' Retirement Law, the monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

Operative date

This section shall be effective, notwithstanding the provisions of Section 21150 of this code or any other provision of law, until the completion of the construction or installation of such additional works or facilities by the contracting agency or until December 31, 1961, whichever first occurs.

Urgency

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

The inhabitants of substantial portions of the Counties of Los Angeles, Orange, Riverside, San Bernardino, and San Diego, in the southern part of this State, are in dire need of obtaining immediately adequate supplies of water for domestic and municipal uses which can be obtained from The Metropolitan Water District of Southern California, a district duly organized and existing under the Metropolitan Water District Act of this State; arrangements for so obtaining such water by said inhabitants are dependent upon the construction and installation by said The Metropolitan Water District of Southern California of additional works and facilities for the transportation and delivery of water from the Colorado River to its unit municipalities for service to said inhabitants; because of the present scarcity of qualified engineering personnel the construction and installation of such works and facilities can be accomplished more effectually and expeditiously if the amendments to the State Employees' Retirement Law provided by the within and foregoing amendatory act shall become immediately effective.

CHAPTER 439

An act to amend Section 13113 of the Health and Safety Code, relating to fire protection, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect immediately

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

SECTION 1. Section 13113 of the Health and Safety Code is amended to read:

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 either a heat-activated fire alarm system or automatic sprinkler system 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.

This section does not prevent the State Fire Marshal, with the written approval of the chief fire official of the city, county or district, from exempting individual buildings from the provisions of this section if fire safety substantially equivalent to that specified in this section has been provided.

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 existing law requires compliance with state standards of fire protection. Operators of children's and nursing homes have been acting under the assumption that compliance with county standards was sufficient, and have invested large sums of money in reliance thereon.

This bill would permit the State Fire Marshal to grant exemptions from state standards where the building of such homes meet substantially equivalent standards adopted by counties, and would thus relieve persons involved of possible liability. It is essential that this act take immediate effect to prevent possible prosecutions.

CHAPTER 440

An act to amend Section 6562 of the Business and Professions Code, relating to the practice of barbering.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 6562 of the Business and Professions Code is amended to read:

6562. For the purposes of this chapter, a diploma or certificate or certification duly issued by the issuing authority of the appropriate unit of any state public school or of any elementary or secondary school, in this or any other state, establishing that any individual has at least an eighth grade education, shall be conclusive evidence of that fact and shall be accepted by the board. The board shall accept a certification or certificate of equivalency issued by a California elementary or secondary school, establishing that a person has at least the equivalent of an eighth grade education.

CHAPTER 441

An act to amend Sections 2847 and 2847.6 of the Elections Code, relating to county central committees.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2847 of the Elections 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 a party committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs except as provided in Section 2847.7, which applies only to vacancies on a state central committee. A vacancy shall also exist on a committee when a member is removed therefrom pursuant to Section 2847.6. Vacancy in membership

SEC. 2. Section 2847.6 of the said code is amended to read:

2847.6. Any member, other than an ex officio member, of a county central committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless such absence is caused by illness or temporary absence from the county on the date of the meeting. Removal of member

---

CHAPTER 442

An act to repeal Sections 2533.1, 3899, and 4932; and Article 11, comprising Sections 3691 through 3697, of Chapter 11 of Division 2; and Article 10 (comprising Sections 4971 to 4973, inclusive) of Chapter 16, Division 2 of; and Chapter 18, comprising Sections 7650 through 7656, of Division 3 of the Education Code, relating to the Public School System.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect September 11, 1957

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

SECTION 1. Sections 2533.1, 3899, and 4932; and Article 11, comprising Sections 3691 through 3697, of Chapter 11 of Division 2; and Article 10 of Chapter 16, Division 2 of; and Chapter 18, comprising Sections 7650 through 7656, of Division 3 of the Education Code are repealed.

CHAPTER 443

An act to add Sections 302 and 303 to the Education Code, relating to county boards of education.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 302 is added to the Education Code, to read:

Trustee areas

302. Upon request of the county board of education, the county committee on school district organization by a two-thirds vote of the members, may change the boundaries of any or all of the trustee areas of the county. The trustee areas shall be as nearly equal in population as may be, except that in establishing the boundaries of the trustee areas the county committee may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the trustee areas. Changes in boundaries shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year.

SEC. 2. Section 303 is added to said code, to read:

Term of office

303. The boundaries of any trustee area shall not at any time be changed so as to affect the term of office of any member of the county board of education who has been elected and whose term of office has not expired.

CHAPTER 444

An act to add Section 2868 to the Education Code, relating to the bonded indebtedness of school districts included in union or joint union school districts.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 2868 is added to the Education Code, to read:

2868. Upon petition of 10 percent of the qualified electors residing in any elementary school district which has been included in or annexed to a union or joint union school district requesting him to do so, or by resolution adopted by the governing board of the union or joint union district, the county superintendent of schools having jurisdiction of the district shall call an election in the union or joint union district for the purpose of permitting the qualified electors to vote upon the question of whether or not the union or joint union district shall assume the bonded indebtedness of the ele-

mentary district. The election shall be called, held, and conducted as are elections for the issuance of school district bonds, except as provided in this section. The notice for the election shall contain the following:

(a) The time and place or places of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours of the day during which the polls will be open.

(d) The amount of the bonded indebtedness and the interest rate thereon proposed to be assumed by the union or joint union district.

The ballot at the election shall contain the words "Assumption of Bonded Indebtedness—Yes" and "Assumption of Bonded Indebtedness—No" or words of similar import.

No bonded indebtedness shall be assumed by a union or joint union school district unless two-thirds of the qualified electors voting at the election vote in favor of the assumption.

CHAPTER 445

An act to amend Section 1503.3 of the Education Code, relating to contracts between school districts for the education of pupils.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1503.3 of the Education Code is amended to read:

1503.3. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary or unified school district subject to such terms and conditions as the governing boards of the two districts may agree upon. The attendance of the pupils shall be credited to the district of attendance and on the next succeeding July 1st, the district of residence shall be subject to the provisions of Article 8 (commencing at Section 2581) of Chapter 7 of Division 2 of this code.

CHAPTER 446

An act to amend Section 1029 of the Education Code, relating to liability insurance of school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1029 of the Education Code is amended to read:

1029. The governing board of any school district shall insure against the liability (other than a liability which may be insured against under the provisions of Divisions 4 and 5 of the Labor Code) of the district and against the personal liability of the members of the board and of the officers and employees of the district, for damages to property or damage by reason of the death of, or bodily injury to, any person or persons, as the result of any negligent act by the district, or by a member of the board, or any officer or employee when acting within the scope of his office or employment. The insurance may be written in any insurance company authorized to transact the business of insurance in the State.

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 existing law, the governing board of a school district must secure insurance coverage for negligent acts of the "agents" of the board. This requirement has caused numerous practical problems of administration since many contractors of school districts who might be deemed agents, within the purview of Section 1029, carry insurance protection against the liability described in the section. In order to clarify the insurance coverage requirements of school districts and in order to avoid needless expenditure of school district funds, it is necessary that this act take effect immediately.

CHAPTER 447

An act to amend Section 778 of the Welfare and Institutions Code, relating to juvenile court proceedings to declare persons free from the custody and control of their parents.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 778 of the Welfare and Institutions Code is amended to read:

778. If the father or mother of such person resides outside the State, or if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother who resides outside the State and his or her place of residence, if known to the petitioner, and the name of the father or mother residing in or out of the State whose place of residence is unknown to the petitioner. Thereupon the judge of the juvenile court shall make an order that the service be made by the publication of a citation requiring such father or mother to appear at the time and place stated therein, and that said citation be published pursuant to Section 6064 of the Government Code in a newspaper to be named and designated as most likely to give notice to the father or mother to be served. In case of publication where the residence of a nonresident or absent parent is known, the judge must direct a copy of the citation to be forthwith deposited in the post office, directed to such parent to be served, at his or her place of residence. When publication is ordered, personal service of a copy of the citation out of the State is equivalent to publication and deposit in the post office, and in either case the service of the citation is complete at the expiration of the time prescribed by the order for publication.

If one or both of the parents of such child be unknown or if the name of either or both of his parents be uncertain, then said fact shall be set forth in said affidavit and the court shall order the citation to be directed and addressed to either the father and/or the mother, or both, of the person sought to be declared free from parental custody and control, naming and otherwise describing said latter person, and to all persons claiming to be the father or mother of said person. Such citation shall be addressed in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF_____

IN THE MATTER OF _____, a Person Who Should be Declared Free from the Custody and Control of his Parent or Parents.	CITATION

To the father and/or mother of the above-named person and to all persons claiming to be the father and/or mother of such person, who is described as follows:

CHAPTER 448

An act to amend Section 409 of the Water Code, relating to publication of notice of intention to engage in rainmaking operations.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 409 of the Water Code is amended to read:

409. The licensee shall cause the notice of intention to be published pursuant to Section 6063 of the Government Code in a newspaper having a general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county.

CHAPTER 449

An act to amend Section 1134 of the Probate Code, relating to trusts.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1134 of the Probate Code is amended to read:

1134. Upon filing of such petition the court shall set the same for hearing upon a date at least 40 days thereafter and shall cause notice thereof to be given for the time and in the manner specified in Section 1200 of this code and also by publishing a copy of such notice in the county pursuant to Section 6066 of the Government Code, the first publication to be made at least 30 days prior to the time set for hearing. Petitioner shall, at least 30 days prior to the time so set for hearing, cause to be mailed to each of the persons named in such petition, at their respective places of residence therein stated, a copy of such notice. Any person interested in the trust, either as trustee, beneficiary or otherwise, may appear and file written grounds in opposition thereto.

CHAPTER 450

An act to amend Section 772 of the Probate Code, relating to sales of estate property.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 772 of the Probate Code is amended to read:

772 Except as provided in Sections 757, 770 and 771 of this code, personal property may be sold only after public notice given for at least 10 days by notices posted at the courthouse of the county in which the proceedings are pending; or by publication pursuant to Section 6062 of the Government Code in a newspaper in such county, or by both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order.

CHAPTER 451

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

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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 pursuant to Section 6062:

(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 452

An act to amend Section 1208.66 of the Code of Civil Procedure, relating to liens on aircraft.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1208.66 of the Code of Civil Procedure is amended to read:

1208.66. Prior to any such sale the lienholder shall publish a notice of the sale pursuant to Section 6062 of the Government Code in a newspaper published in the county in which the aircraft is situated, or if there is no such newspaper, by posting notice of sale in three of the most public places in the city or place where such aircraft is to be sold for 10 days previous to the date of the sale Prior to the sale of any aircraft to satisfy any such lien, 20 days' notice by registered mail shall be given to the legal owner as it appears in the registration certificate.

CHAPTER 453

An act to amend Section 3440.1 of the Civil Code, relating to the transfer, sale or assignment of stock in trade, in bulk.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 3440.1 of the Civil Code is amended to read:

Bulk sale, etc., of stock in trade

3440.1. The sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof, other than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment, or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, is conclusively presumed fraudulent and void as against the existing creditors of the vendor, transferor, assignor, or mortgagor, unless before the consummation of the sale, transfer, assignment, or mortgage, the vendor, transferor, assignor, or mortgagor, or the intended vendee, transferee, assignee, or mortgagee does all of the following:

(a) Records at least 10 days before the consummation of the sale, transfer, assignment, or mortgage, in the office of the county recorder in the county or counties in which the stock in trade, fixtures, or equipment are situated, a notice of the intended sale, transfer, assignment, or mortgage, which states the name and address of the intended vendor, transferor, assignor,

or mortgagor and the name and address of the intended vendee, transferee, assignee, or mortgagee. The notice shall contain a general statement of the character of the merchandise or property intended to be sold, assigned, transferred, or mortgaged, and show the date and place where the purchase price or consideration is to be paid.

(b) Publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the stock in trade, fixtures, or equipment are situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended sale, transfer, assignment, or mortgage.

If the intended sale is to be at public auction, the notice required to be recorded and published shall state that fact, and the time, terms, and place of auction, the names and addresses of the vendor and auctioneer and a general statement of the character of the merchandise or property intended to be sold.

The sale shall not occur within 10 days from the recordation of the notice.

Any auctioneer selling the stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, is personally liable for all damages incurred by any creditor of the merchant if the notice is not recorded and published as required by this section.

The provisions of this section shall not apply or extend to:

(a) Any sale, transfer, or assignment of a stock in trade or to any sale, transfer, assignment or mortgage of the fixtures, or store equipment, of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law.

(b) Any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally.

(c) Any sale, transfer, assignment or mortgage of any property exempt from execution.

(d) Any sale, transfer, or assignment of wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the sales, transfers, or assignments are made in writing and executed and acknowledged in the same form as provided for chattel

mortgages, and if the sales, transfers, or assignments are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

CHAPTER 454

An act to amend Section 1861a of the Civil Code, relating to liens of keepers of furnished apartment houses, furnished apartments, furnished cottages, or furnished bungalow courts.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1861a of the Civil Code is amended to read:

Innkeepers' lien

1861a. Keepers of apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of an apartment house, apartment, cottage, or bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said apartment house, apartment, cottage, or bungalow court is situated, and also by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post-office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such apartment house, apartment, cottage, or bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of an apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from

the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of an apartment house, apartment, cottage, or bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

(c) Necessary household, table, and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove, stovepipes, and furniture, dresser, dressing table, overstuffed chair, davenport, dining table, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any 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, and four hogs and their suckling pigs, and food for such cows and hogs for one month, also one piano, one shotgun and one rifle.

CHAPTER 455

An act to add Section 25181 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25181 is added to the Business and Professions Code, to read:

25181. Notwithstanding the provisions of Sections 25178 to 25180, inclusive, an empty distilled spirits bottle which has locked thereon an automatic measuring and dispensing device, of a type approved by the director and designed so as to prevent the refilling of the bottle without unlocking and removing the device from the bottle, shall not be required to be destroyed as required by Section 25178, but shall be destroyed immediately upon the unlocking and removal of such device. Section 25180 shall not apply to the possession of an empty distilled spirits bottle in such case until after such device has been unlocked and removed from the bottle.

CHAPTER 456

An act to repeal and re-enact the Fish and Game Code, and include therein codification of Chapter 1447, Statutes of 1947, and to repeal Chapter 1447 of the Statutes of 1947, relating to fish and game, and making an appropriation.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

Repeal

SECTION 1. The Fish and Game Code is repealed.

SEC. 2. The Fish and Game Code is enacted, to read:

GENERAL PROVISIONS AND DEFINITIONS

Title

1. This code shall be known as the Fish and Game Code.

2. Unless the provisions or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this code.

Construction and effect

3. The provisions of this code, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments. This code shall not impair any privilege granted or right acquired under any of the laws of this State prior to the date it takes effect.

Headings

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

5. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions heretofore or hereafter made.

Delegation of power

6. Whenever a power is granted to, or duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

7. Whenever any statement or report is required to be made, it shall be made in the English language.

"Tense"

8. The present tense includes the past and future tenses, and the future, the present.

"Gender"

9. The masculine gender includes the feminine and the neuter.

"Number"

10. The singular number includes the plural, and the plural, the singular.

Dates

11. Whenever in this code the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified. The first date specified designates the first day of the period, and the second day specified designates the last day of the period. No period of time specified in this code exceeds one year unless otherwise expressly provided.

12. Wherever the term "Fish Commission Fund" or "Game Preservation Fund" appears in any law, it means "Fish and Game Preservation Fund." "Fish and Game Preservation Fund"

15. "Angling" means the taking of, or attempting to take, fish by hook and line with the line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand, or closely attended, in such manner that the fish voluntarily takes the bait or lure in its mouth. "Angling"

18. "Bag limit" means the maximum limit, in number or amount, of birds, mammals, fish, or amphibia which may lawfully be taken by any one person during a specified period of time. "Bag limit"

22. "Bird" means any wild bird or its meat. "Bird"

24. "Buy" includes offer to buy, barter, exchange, or trade. "Buy"

27. "Chumming" means the placing in the water of fish, parts of fish, or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken. "Chumming"

29. "Closed season" means that period of time during which the taking of birds, mammals, fish, or amphibia is prohibited. "Closed season"

30. "Commission" means the Fish and Game Commission, and "commissioner" means a member of the Fish and Game Commission. "Commission"

32. "County" includes city and county. "County"

35. "Day" means calendar day, and "week" means calendar week. "Day"

37. "Department" means the Department of Fish and Game. "Department"

39. "Director" means the director of the Department of Fish and Game. "Director"

41. "District" means fish and game district. "District"

45. "Fish" means wild fish, mollusks, or crustaceans, including any part, spawn, or ova thereof. "Fish"

48. "Hook" or "fishhook" means an implement to catch or hold fish or amphibia "Single hook" means any hook with one point and with or without a barb; "double hook" means any hook with two points and with or without barbs; "treble or triple hook" means any hook with three points and with or without barbs. "Snag" or "gaff" hooks are hooks with or without handles used to take fish in such manner that the fish does not take the hook voluntarily in its mouth. "Hook," etc

51. "Kelp" means kelp or other marine aquatic plants and the seeds thereof. "Kelp"

54. "Mammal" means any wild or feral mammal or its meat, but not any wild, feral, or undomesticated burro. "Mammal"

56. "Net" means any gear made of any kind of twine, thread, string, rope, wire, wood, or other materials used for the gilling, entangling, trapping, or impounding of fish. "Net"

"Nonresident" 57. "Nonresident" means any person who is a citizen of the United States and who has not resided continuously in the State of California for six months immediately prior to the date of his application for a license or permit.

"Oath" 60. "Oath" includes affirmation.

"Open season" 62. "Open season" means that period of time during which the taking of birds, mammals, fish, or amphibia is allowed.

"Order," etc 64. "Order," "rule," and "regulation" are used interchangeably and each includes the others.

"Person" 67. "Person" includes partnership, corporation, or other type of association.

"Resident" 70. "Resident" means any person who is a citizen of the United States and who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit, or any person on active military duty with the armed forces of the United States or auxiliary branch thereof.

(Amended by Stats. 1957, Ch. 391.)

[ORIGINAL SECTION]

70. "Resident" means any person who is a citizen of the United States and who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit

"Section" 73. "Section" means a section of this code unless some other statute is specifically mentioned. "Subdivision" means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

"Sell" 75. "Sell" includes offer or possess for sale, barter, exchange, or trade.

"Set line" 77. "Set line" means any line, including trawl lines, with a hook or hooks attached thereto which is used to take fish by means other than by angling.

"Shall" 79. "Shall" is mandatory and "may" is permissive.

"Signature," etc 81. "Signature" or "subscription" includes mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses also sign their own names.

"State" 83. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.

"Take" 86. "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

"Transport" 88. "Transport" includes offer or receive for transportation.

DIVISION 1. FISH AND GAME COMMISSION

CHAPTER 1. ORGANIZATION

Commission

101. There is in the State Government the Fish and Game Commission created by Section 25½ of Article IV of the Constitution.

Officers

102. The commissioners shall elect one of their number as president and one as vice president.

Compensation and expenses

103. Each of the commissioners shall receive ten dollars ($10) for each day of actual service performed in carrying out his official duties pursuant to law, but the amount of such compensation shall not exceed for any one commissioner the sum of fifty dollars ($50) for any one calendar month. In addition to such compensation the commissioners shall receive their actual and necessary expenses incurred in the performance of their duties.

The compensation and expenses provided in this section shall be paid out of the Fish and Game Preservation Fund.

Secretary

104. The commission may employ a secretary, but neither the commission nor such secretary shall have or be given any powers in relation to the administration of the department.

Records

105. All records of the commission shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

(Added by Stats 1957, Ch. 2181.)

CHAPTER 2. GENERAL REGULATORY POWERS

Article 1. Regulations

Powers

200. There is hereby delegated to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles to the extent and in the manner prescribed in this article.

No power is delegated to the commission by this article to regulate the taking, possessing, processing, or use of fish, amphibia, kelp, or other aquatic plants for commercial purposes, and no provision of this code relating or applying thereto, nor any regulation of the commission made pursuant to such provision, shall be affected by this article or any regulation made under this article.

Natural resources

201. Nothing in this article confers upon the commission any power to regulate any natural resources or commercial or other activity connected therewith, except as specifically provided.

Regulations

202. The commission shall exercise its powers under this article by regulations made and promulgated pursuant to this article.

203. Any regulation of the commission pursuant to this article relating to resident game birds, game mammals and furbearing mammals may apply to all or any areas, districts, or

portions thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits and possession limits.

(c) Establish and change areas or territorial limits for their taking.

(d) Prescribe the manner and the means of taking.

(e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

203. Any regulation of the commission pursuant to this article relating to birds and mammals may apply to all or any areas, districts, or portions thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits and possession limits.

(c) Establish and change areas or territorial limits for their taking.

(d) Prescribe the manner and the means of taking.

(e) Establish, change, or abolish restrictions based upon sex, maturity, or other physical distinctions.

Limitation

204. The commission has no power under this article to make any regulation authorizing or permitting the taking of:

(a) Any bird or mammal in any refuge heretofore or hereafter established by statute, the taking or possession of which shall be regulated pursuant to Sections 10500 to 10506, inclusive.

(b) Elk, the taking or possession of which shall be regulated pursuant to Sections 332 and 333.

(c) Antelope, the taking or possession of which shall be regulated pursuant to Section 331.

(d) Any spike buck, spotted fawn or antlerless deer. "Antlerless deer" means female deer, fawns of either sex other than spotted fawns, and male deer with unbranched antlers on both sides which are not more than three inches in length. "Spotted fawn" means a young deer born that year which has spotted pelage. "Spike buck" means a male deer with unbranched antlers on both sides which are more than three inches in length.

Any regulation establishing a season to compensate for closure of an area due to extreme fire hazard shall be made pursuant to Section 306.

Any regulation setting a special hunting season for mammals or game birds which have increased in number to such an extent that a surplus exists or which are damaging property or are overgrazing their range shall be made pursuant to Section 325.

(Amended by Stats. 1957, Ch. 1971.)

[ORIGINAL SECTION]

204. The commission has no power under this article to make any regulation authorizing or permitting the taking of:

(a) Any bird or mammal in any refuge heretofore or hereafter established by statute, the taking or possession of which shall be regulated pursuant to Sections 10500 to 10506, inclusive.

(b) Elk, the taking or possession of which shall be regulated pursuant to Sections 332 and 333.

(c) Antelope, the taking or possession of which shall be regulated pursuant to Section 331.

Any regulation establishing a season to compensate for closure of an area due to extreme fire hazard shall be made pursuant to Section 306.

Any regulation setting a special hunting season for mammals or game birds which have increased in number to such an extent that a surplus exists or which are damaging property or are overgrazing their range shall be made pursuant to Section 325.

Fish, etc

205. Any regulation of the commission pursuant to this article which relates to fish, amphibia, and reptiles, may apply to all or any areas, districts, or portion thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits, possession limits, and size limits.

(c) Establish and change areas or territorial limits for their taking.

(d) Prescribe the manner and the means of taking.

Meetings

206. 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, regulations should be made pursuant to this article in relation to fish, amphibia, and reptiles and to the making of such regulations.

The April and May meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to birds and mammals and to the making of such regulations.

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 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 determining the time and place of such meetings and prior to the dates thereof. All meetings required by this section shall be open to the public.

Same
Time and location

207. The meetings in January and April shall be held on the first Friday after the first day of each such month and the meetings in February and May shall be held on the last Friday in each such month.

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 meetings specified in this section shall be held in state buildings.

Recommendations re fish, etc.

208. At the meeting in January the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested person as to what, if any, regulations should be made relating to fish, amphibia, and reptiles, or any species or subspecies thereof.

The minutes of the January meeting relating to the legislative district of each Member of the Legislature shall be mailed by first class mail to that Member of the Legislature.

(Amended by Stats. 1957, Ch. 1032.)

[ORIGINAL SECTION]

208. At the meeting in January the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested person as to what, if any, regulations should be made relating to fish, amphibia, and reptiles, or any species or subspecies thereof.

Proposals

209. Not later than the fifteenth day prior to its meeting in February, the commission shall publicly announce its determinations and the regulations which it intends to make relating to fish, amphibia, and reptiles. At the February meeting the commission may hear and consider any objections to its determinations or proposed regulations.

Regulations

210. At, or within 10 days after, the meeting in February the commission may make such regulations in relation to fish, amphibia, or reptiles, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each species or subspecies.

Recommendations re birds and mammals

211. At the meeting in April the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested persons as to what, if any, regulations should be made relating to birds and mammals, or any species or subspecies thereof.

The minutes of the April meeting relating to the legislative district of each Member of the Legislature shall be mailed by first class mail to that Member of the Legislature.

(Amended by Stats. 1957, Ch. 1032.)

[ORIGINAL SECTION]

211. At the meeting in April the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested persons as to what, if any, regulations should be made relating to birds and mammals, or any species or subspecies thereof.

Proposals

212. Not later than the fifteenth day prior to its meeting in May the commission shall publicly announce its determinations and the regulations it intends to make relating to birds

and mammals. At the May meeting the commission may hear and consider any objections to its determinations or proposed regulations.

Regulations

213. At, or within 10 days after, the meeting in May the commission may make such regulations in relation to birds and mammals, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each such species or subspecies.

214. (Repealed by Stats. 1957, Ch. 1971.)

[ORIGINAL SECTION]

214. Before the commission permits the taking, under any open season, of female deer in any area, a public hearing shall be held at which at least one member of the commission shall be in attendance and such officers and employees of the department as are deemed necessary or are requested by interested parties, notice of which has been published at least once and at least 30 days prior to the hearing in a newspaper of general circulation which is printed and published in the county, or in one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area, and such determination by the commission shall be final and conclusive

This section is inapplicable in respect to Section 4181.

Filing

215. Every regulation of the commission made pursuant to this article shall be filed with the Secretary of State, and shall become effective at the time specified therein, but not sooner than 10 days after such filing.

Publicity

216. The commission may do anything that it deems necessary and proper to provide publicity for its regulations to the end that persons likely to be affected thereby may be informed. The failure of the commission to provide any notice of its regulations other than by filing them with the Secretary of State shall not impair the validity of such regulations.

Insofar as practicable, all applicable regulations of the commission shall be included in editions of this code published by the State.

Publication and distribution

217. 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 county clerk, district attorney and judge of a municipal court or justice court throughout the State

(Amended by Stats. 1957, Ch. 1032.)

[ORIGINAL SECTION]

217. 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.

Judicial review

218. Any regulation of the commission made pursuant to this article shall be subject to review in accordance with law by any court of competent jurisdiction.

Effect

219. Any regulation made pursuant to this article may supersede any section of this code designated by number in the regulation, but shall do so only to the extent specifically provided in the regulation.

220. Any regulation of the commission made pursuant to this article shall remain in effect for the period specified therein or until superseded by subsequent regulation of the commission or by statute.

Operative date

221. The provisions of this article are effective until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature and thereafter shall have no force or effect.

(Amended by Stats. 1957, Ch 1549.)

[ORIGINAL SECTION]

221. The provisions of this article are effective until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature and thereafter shall have no force or effect.

Article 2. Continuance of Regulations

Continuance of regulations

250. In the event the provisions of Article 1 of this chapter cease to be effective, all regulations made pursuant to that article which are in effect on the day of final adjournment of the regular session of the Legislature in the year in which the article ceases to have effect are continued as statutory enactments and shall have the same force and effect as if enacted by the Legislature. Whenever, in any such regulation of the commission continued under this section, a period of time is designated with reference to a particular year, such period of time shall be deemed to be applicable on a continuing basis in each succeeding year. All regulations of the commission, insofar as practicable, shall be phrased in general terms to facilitate the operation of this section.

Chapter 3. Other Regulatory Powers

Article 1. Generally

Filing

300. Any regulation issued under any subsequent provisions of this code shall be filed with the Secretary of State, as required by Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code.

Mammal disposition

301. The commission may make such regulations as it deems necessary for the disposition of mammals which are killed accidentally.

Areas closed to fishing

302. The commission may at any time close any stream, lake, or other inland waters, or portions thereof, to all types of fishing, except for the taking of fish otherwise permitted by this code under a commercial fishing license, for such time

as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

Closing of streams

Before closing any stream, lake, or other inland waters, or portions thereof, under the provisions of this section the commission shall publicly announce its intention at least seven days prior to taking such action.

(Amended by Stats. 1957, Ch. 1877.)

[ORIGINAL SECTION]

302. The commission may at any time close any stream, lake, or other inland waters, or portions thereof, to all types of fishing, except for the taking of fish otherwise permitted by this code under a commercial fishing license, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

Operative date

303. The provisions of Section 302 shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature and thereafter shall have no force or effect.

(Amended by Stats. 1957, Ch 1877.)

[ORIGINAL SECTION]

303. The provisions of Section 302 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.

Areas closed to hunting

304. The commission at any time may close to hunting any area newly stocked by the department with resident or migratory game birds or game or fur-bearing mammals, or any area where, in the judgment of the commission, added protection for such birds or mammals is needed, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

304. The commission at any time may close to hunting any area newly stocked by the department with game birds or mammals, or any area where, in the judgment of the commission, added protection for game birds or mammals is needed, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

NOTE: This section was also amended by Stats. 1957, Ch. 1970, as follows:

304. The commission at any time may close to hunting any area newly stocked by the department with game birds or mammals, or any area where, in the judgment of the commission, added protection for game birds or mammals is needed, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

Before closing any area under the provisions of this section the commission shall publicly announce its intention at least seven days prior to taking such action.

Operative date

305. The provisions of Section 304 shall be effective until the ninety-first day after the final adjournment of the 1959

Regular Session of the Legislature and thereafter shall have no force or effect.

(Amended by Stats. 1957, Ch. 1970.)

[ORIGINAL SECTION]

305. The provisions of Section 304 shall be effective until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature and thereafter shall have no force or effect.

Delayed season

306. Whenever, because of extreme fire hazard, any area is closed to entry by the public by any order or proclamation issued or concurred in by the Governor the commission may establish a season for hunting or fishing within the area. The season shall commence upon or after the expiration or termination of such closure and shall correspond in length of time as nearly as may be possible to the time during which such area was closed to hunting or fishing.

Bag limit

307. Whenever after due investigation the commission shall find that game fish, resident or migratory birds, game or fur-bearing mammals, or amphibia have decreased in numbers in any areas, districts, or portions thereof to such an extent that a scarcity exists, the commission may reduce the daily bag limit and the possession limit on such game fish, birds, mammals, or amphibia as are in danger of depletion, for such period of time as may be specified or until such time as new legislation thereon enacted by the Legislature may become effective.

Any regulation issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof.

Such regulation shall be published twice in at least one newspaper of general circulation in any county affected by such order. The publications shall be separated by a period of not less than one week and not more than two weeks. Such regulation shall be posted in such public places in each county as the director may direct.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

307. Whenever after due investigation the commission shall find that game fish, birds, mammals, or amphibia have decreased in numbers in any areas, districts, or portions thereof to such an extent that a scarcity exists, the commission may reduce the daily bag limit and the possession limit on such game fish, birds, mammals, or amphibia as are in danger of depletion, for such period of time as may be specified or until such time as new legislation thereon enacted by the Legislature may become effective.

Any regulation issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof.

Such regulation shall be published twice in at least one newspaper of general circulation in any county affected by such order. The publications shall be separated by a period of not less than one week and not more than two weeks. Such regulation shall be posted in such public places in each county as the director may direct.

District 22

308. Notwithstanding any other provisions of this code, in District 22 the taking of birds, mammals, fish, amphibia, or reptiles shall be subject to regulations prescribed, from time

to time, by the commission, except that it is unlawful to take birds or mammals within one-eighth mile of any gallinaceous guzzler, if the area surrounding it is posted in the manner prescribed by the commission. In the Colorado River, in District 22, the commission may prescribe such regulations in agreement with the proper authorities of the State of Arizona. Gallinaceous guzzler

309. The commission or any person appointed by it to conduct a hearing may, in any investigation or hearing held under the provisions of Sections 7700 to 7708, inclusive, 8018, 8075 to 8080, inclusive, 8151, 8152, and 8154 to 8158, inclusive, cause the deposition of witnesses, residing within or without the State, to be taken in the manner prescribed by law for deposition in civil actions in the superior courts of this State, and may compel the attendance of witnesses and the production of documents and papers. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Powers

310. The commission may designate salmon spawning areas. It is unlawful to take salmon in any such spawning area, or within 250 feet of any salmon spawning station. Salmon spawning areas

311. It is unlawful to use or possess any gaff hook or any hook with more than one point within 100 feet of those portions of the Feather River and of Butte Creek while they are closed to salmon fishing as salmon spawning areas pursuant to Section 310. Gaff hook

This section does not apply to a person possessing a gaff hook or any hook with more than one point in his home or while traveling on the public roads in the area.

(Added by Stats. 1957, Ch. 256.)

Article 2. Special Seasons

325. Whenever after due investigation the commission finds that game mammals and fur-bearing mammals and resident game birds have increased in numbers in any areas, districts, or portions thereof other than a refuge or preserve established by statute, to such an extent that a surplus exists, or to such an extent that the mammals or birds are damaging public or private property, or are overgrazing their range, the commission may provide, by regulation, for a special hunting season for the mammals and birds, additional to, or concurrent with any other open season specified by law; or provide for increased bag limits; or remove sex restrictions specified by law. Special hunting season

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

325. Whenever after due investigation the commission finds that big game animals and upland game birds have increased in numbers in any areas, districts, or portions thereof other than a refuge or preserve established by statute, to such an extent that a surplus exists, or to such an extent that the animals or birds are damaging public or private property, or are overgrazing their range, the commission may provide, by regulation, for a special hunting season for the animals and birds, additional to,

or concurrent with any other open season specified by law; or provide for increased bag limits; or remove sex restrictions specified by law.

NOTE: This section was also amended by Stats 1957, Ch. 1971, as follows:

325. Whenever after due investigation the commission finds that big game animals and upland game birds, other than antlerless deer, have increased in numbers in any area, other than a refuge or preserve heretofore or hereafter established by statute, to such an extent that a surplus exists, or to such an extent that the animals or birds are damaging public or private property, or are overgrazing their range, the commission may provide, by regulation, for a special hunting season for the animals and birds, additional to, or concurrent with any other open season; or to provide for increased bag limits, or to remove sex restrictions specified by law. The taking of antlerless deer under this section may only be authorized if the commission determines such animals are damaging public or private property.

Public meeting

326. Prior to the making of such a regulation the commission at an open meeting shall publicly announce the contents of the proposed regulation and fix a time and place at which a hearing on the proposed order shall be held. The time shall be not less than 21 days from the day of the meeting and the place shall be the county seat of each of the counties affected.

(Amended by Stats. 1957, Ch. 1971.)

[ORIGINAL SECTION]

326 Prior to the making of such a regulation the commission at an open meeting shall publicly announce the contents of the proposed regulation and fix a time and place at which a hearing on the proposed order shall be held. The time shall be not less than 35 days from the day of the meeting and the place shall be the county seat of the county in which the area to be affected by the regulation lies or, if the area lies in more than one county, the county seat of the county in which the greater portion of such area lies

Notice

327. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each of the counties in which the hearing is to be held, or if no such newspaper is published in that county or counties then in such a newspaper in an adjoining county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested so to do by the commission.

(Amended by Stats 1957, Ch. 1971.)

[ORIGINAL SECTION]

327 Notice of the hearing shall be published at least once, and at least 30 days prior to the hearing, in a newspaper of general circulation in the county in which the hearing is to be held, or if no such newspaper is published in that county then in such a newspaper in an adjoining county The hearing shall be conducted by the commission, a member of the commission designated by it, or the director if requested so to do by the commission

Attendance

328 Such employees of the department as may be necessary or are requested by any interested group of persons, shall be present at the hearing. After the hearing the commission may abandon the proposal or make a final regulation, with

any modifications it deems appropriate, or without modification.

License fee

329. The regulation may fix a license fee for special hunting and designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds, except for the limitations specified herein concerning antlerless deer, that may be killed by each holder of a special license, and the conditions and regulations to govern such hunting.

(Amended by Stats. 1957, Ch. 1971.)

[ORIGINAL SECTION]

329. The regulation may fix a license fee for special hunting and designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds that may be killed by each holder of special license, and the conditions and regulations to govern such hunting.

Cooperative hunting areas

330. Cooperative hunting areas, as described in Sections 1570 to 1572, may be established in connection with any area opened to hunting under the foregoing provisions of this article.

Antelope

331. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total number of antelope (Antilocapra americana) that may be taken under such regulations as the commission may prescribe from time to time. Only a citizen and bona fide resident of the State of California possessing a valid hunting license and over the age of 16 years, who has not taken an antelope under these provisions during the 10 years immediately preceding, may obtain a license for the taking of antelope. Only one license may be issued to any one individual in any 10-year period.

The fee for the license is seven dollars ($7). It shall be deposited in the Fish and Game Preservation Fund and shall be expended, in addition to money budgeted for salaries of persons in the department, for the expense of enforcing the provisions of this section.

Elk

332. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the total number of elk that may be taken under such rules and regulations as the commission may prescribe from time to time. Only a citizen and bona fide resident of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of elk.

The fee for the license may be determined by the commission but not to exceed twenty-five dollars ($25). The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to money budgeted for salaries of the department, for the expense of enforcing the provisions of this section and the processing of the applications.

(Amended by Stats. 1957, Ch. 1599.)

[ORIGINAL SECTION]

332. The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the total number of elk that may be taken under such rules and regulations as the commission may prescribe from time to time. Only a citizen and bona fide resident of the State of California over the age of 16 years and possessing a valid hunting license may obtain a license for the taking of elk.

The fee for the license is ten dollars ($10), plus an additional application fee of one dollar ($1). The application fee must accompany each application. The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to money budgeted for salaries of the department, for the expense of enforcing the provisions of this section and the processing of the applications.

Hearing

333. Before the commission permits the taking of elk in any area, a public hearing shall be held in the county seat of the county in which the area to be affected by the order lies or, if such area lies in more than one county, the county seat of the county in which the greater portion of the area lies, at which at least one member of the commission and such officers and employees of the department as are deemed necessary or are requested by interested parties shall be in attendance.

Notice

Notice of the hearing shall be published at least once, and at least thirty (30) days prior to the hearing, in a newspaper of general circulation which is printed and published in the county, or in one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area, and such determination shall be final and conclusive.

Article 3. Migratory Birds

Regulations

355. The commission may, annually, promulgate regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the Migratory Bird Treaty Act.

Federal laws

356. Migratory game birds may be taken in conformity with the federal laws and regulations and the regulations of the commission as provided in Section 355.

In the event no regulations are prescribed by the proper federal agency, the commission may determine and fix the area or areas, the seasons and hours, the species, the bag and possession limits, and the total number that may be taken during any open season for the taking of migratory game birds, under such rules and regulations as the commission may prescribe. Such rules and regulations as the commission may prescribe shall have the same effect as if enacted by the Legislature.

"Migratory Bird Conservation Act"

357. The president of the commission may be a member ex officio of the Migratory Bird Conservation Commission created by the act of Congress known as the "Migratory Bird Conservation Act."

Article 4. California-Arizona Compact

375. The commission may negotiate the terms of a compact between the States of Arizona and California with any appropriate officials of the State of Arizona in relation to reciprocal privileges and licenses for hunting and fishing by residents of one of the states within the territorial jurisdiction of the other. The negotiations shall include, but shall not be limited to, provisions relating to sport fishing and the hunting of migratory waterfowl in, on, or along the Colorado River. Reciprocal privileges, etc

It is the primary purpose of this section to provide a method whereby the hunting and fishing opportunities afforded by the Colorado River may be mutually enjoyed by the residents of the States of Arizona and California despite the difficulties and inconveniences that result from the fact that the boundary line between the States of Arizona and California is the middle of the channel of the Colorado River. Colorado River

Article 5. Reciprocal Agreements With Adjoining States

390. The commission, subject to the approval of the Attorney General, may enter into reciprocal agreements with corresponding state or county official agencies of adjoining states pertaining to the establishment of a basis whereby valid sport fishing licenses issued by the parties to the reciprocal agreements may be used by their licensees within the jurisdiction of either, in accordance with the terms of such agreements. Sport fishing

Article 6. Falconry

(Article 6 added by Stats. 1957, Ch. 1972.)

395. The commission may make regulations for the possession or training of hawks or owls used in the practice of falconry and may authorize the issuance of licenses to persons for the practice of falconry. It is unlawful to possess or train any hawk or owl in the practice of falconry except under such a license. Falconry

(Added by Stats. 1957, Ch. 1972.)

396. The fee for a falconry license is fifteen dollars ($15) per calendar year or any part thereof. Fee

(Added by Stats. 1957, Ch. 1972.)

Chapter 4. Acceptance of Federal Acts

400. The State of California hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public Law 415, Seventy-fifth Congress), and the department, with the approval of the commission, shall perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in such Assent to Acts of Congress

act of Congress, in compliance with such act and rules and regulations promulgated thereunder; and no funds accruing to the State of California from license fees paid by hunters shall be diverted for any other purpose than the administration of the Department of Fish and Game and for the protection, propagation, preservation, and investigation of fish and game.

401. The State of California hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public Law 681, Eighty-first Congress), and the department, with the approval of the commission, may perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated thereunder; and no funds accruing to the State of California from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Department of Fish and Game and for the protection, propagation, preservation, and investigation of fish and game.

CHAPTER 5. MANAGEMENT OF DEER

(Chapter 5 added by Stats 1957, Ch 1971.)

Definitions

450. As used in this article "general deer hunting season" means the annual season for the area in question as is set by the commission under its general regulatory powers, or set by statute, for the taking of male deer.

"Either-sex deer permits" means permits authorizing the taking of male or female deer, except spotted fawns and spike bucks.

(Added by Stats. 1957, Ch. 1971.)

Management units

451. The department shall designate deer herd management units or areas and designate the manager for the units or areas. Boundaries of such areas or units, unless appropriate, need not follow county boundary lines.

(Added by Stats. 1957, Ch. 1971.)

Department recommendation

452. Prior to the May meeting of the commission, as required in Section 207 of this code, the department shall recommend to the commission whether any antlerless hunts should be ordered. The department shall inform the commission of the condition of each management area or unit. Upon receipt of the recommendations and information required in this section, the commission shall make such material known to the public. The recommendations of the department shall include the number, if any, of antlerless deer that should be taken on areas or units, whether the permits should be either-sex permits, the proposed dates for each such taking, the number of permits proposed for each area or unit, the fee, if any, for

such permits and the manner in which such permits would be issued

(Added by Stats. 1957, Ch. 1971.)

Notice and hearing

453. At its May meeting required by statute the commission shall announce the full contents of its proposed orders for the taking of antlerless deer and fix the times and places at which hearings on the proposed orders shall be held. The time shall not be less than 21 days from the day of the meeting and the place shall be the county seat of each of the counties affected. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each county affected, or if no such newspaper is published in the county, then in such newspaper in an adjoining county. The hearings shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director or other employee of the department if specially directed so to do by the commission.

(Added by Stats. 1957, Ch. 1971.)

Notice

454. At least 10 days prior to the holding of any such hearing the commission shall notify, by certified mail, the board of supervisors of each county affected of the details of its proposed order affecting such county and the time and date of hearing.

(Added by Stats. 1957, Ch. 1971.)

Objections

455. Not later than 15 days after the holding of such hearing, the board of supervisors may, by resolution adopted, object to the proposed order of the commission or may, by resolution adopted, determine that the proposed order should be modified, setting forth the necessary modifications.

(Added by Stats. 1957, Ch. 1971.)

Hearing on objections

456. The commission shall meet on the last Monday in July to make such orders under this article as it may find necessary. The commission at its July meeting shall not authorize the taking of deer under this article in a county if it has received from the board of supervisors of that county a resolution objecting to such taking. In the event a board of supervisors of a county has submitted a resolution determining that the commission's proposed orders should be modified for that county, the commission shall either so modify its orders or shall not authorize the taking of deer under this article in such county.

(Added by Stats. 1957, Ch. 1971.)

Limitations

457. The commission has no power under this article to authorize the taking of spotted fawn or spike buck, or to regulate the taking of male deer during the general deer hunting season.

(Added by Stats. 1957, Ch. 1971.)

Permits

458. The commission may issue permits under this article either on a first-come, first-served basis or by state-wide drawing or by a combination of these methods and may authorize a specified number of permits to be issued to license

holders on a first-come, first-served basis at the county seat of a county in the unit or area. Such local issuance shall be held at such time in advance of any drawing to allow those persons unsuccessful at the first-come, first-served local issuance to participate in the drawing.

(Added by Stats 1957, Ch 1971.)

459 A licensed hunter who desires to obtain a permit and has not received one on a first-come, first-served basis shall forward the necessary application to the headquarters office of the department. All applications may indicate a first and second preference of unit or area in which the applicant wishes to hunt.

(Added by Stats 1957, Ch 1971.)

460. Upon notification that his application has been selected or on being successful on a first-come, first-served basis, the license holder shall submit the required fee, if any, and shall be issued a permit. Any unclaimed permits issued on a drawing basis may be made available on a first-come, first-served basis.

(Added by Stats. 1957, Ch. 1971.)

Deer tags

461. The commission may require that the deer license tag designated for use on the second male deer taken during the general deer hunting season shall be used with, or in place of, the permits provided for in this article.

(Added by Stats. 1957, Ch. 1971.)

Operation

462. The provisions of this article shall have no force or effect after the expiration of Section 221.

(Added by Stats. 1957, Ch. 1971.)

DIVISION 2. DEPARTMENT OF FISH AND GAME

CHAPTER 1. ORGANIZATION AND GENERAL FUNCTIONS

Article 1. Generally

Department

700. There is in the State Government a Department of Fish and Game administered through a director.

Director

701. The director shall be appointed by the Governor, and receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

702. The provisions of this code shall be administered and enforced by the department.

Policies

703. General policies for the conduct of the department shall be formulated by the commission. The director shall be guided by such policies and is responsible to the commission for administration of the department in accordance therewith.

Employees

704 The director shall be the appointing power of all employees within the department, and all employees in the department shall be responsible to him for the proper carrying out of the duties and responsibilities of their respective positions.

705. The department shall report biennially to the Governor. Reports

706. The provisions of Chapter 2 (commencing at Section 11150), Part 1, Division 3, Title 2 of the Government Code shall govern and apply to the conduct of the department in every respect the same as if such provisions were herein set forth at length, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this section it shall mean the director. Conduct

707. It is the duty of the attorney for the department to act as counsel in defense of any officer or deputy of the department in any suit for damages brought against the officer or deputy on account of injuries to persons or property alleged to have been received as a result of the negligence or misconduct of the officer or deputy occurring while the officer or deputy was performing his official duties. Suit against officer, etc

Article 2. Marine Research Committee

725. There is in the department the Marine Research Committee consisting of nine members. Committee

726. Five of such members shall be men experienced in, and actively engaged in, the canning or reduction of sardines at the time of their appointment. Of the other four members, at least one shall be a representative of organized sportsmen's groups and at least one shall be a representative of organized labor. Members

727. All members shall be appointed by the Governor, and shall hold office for two years or until their successors are appointed. Term

728. The members of the committee shall serve without compensation. They shall be reimbursed from the Fish and Game Preservation Fund for their actual and necessary expenses. Compensation and expenses

729. Money deposited in the Fish and Game Preservation Fund pursuant to Section 8046 shall be available for the support of the Marine Research Committee and the money shall be disbursed at the direction of a majority of the Marine Research Committee for the purpose of committee expenses and financing research in the development of commercial fisheries of the Pacific Ocean and of marine products susceptible to being made available to the people of California. Research

No research project shall be authorized except by a majority of the committee.

730. The committee may employ such technical and clerical assistants as may be necessary to carry out such research and may contract with any person or agency, public or private, including the Regents of the University of California, for the carrying on of such research projects. Employees

CHAPTER 2. DEPUTIES, AND OTHER EMPLOYEES; COUNTY WARDENS

Article 1. State

Personnel

850. The director shall, from time to time, employ or appoint, with or without pay, such deputies, clerks, assistants, and other employees as the department may need to discharge in proper manner the duties imposed upon it by law.

Powers and duties

851. A deputy appointed to enforce the provisions of this code is a public officer. He has all the powers and authority of a peace officer to make arrests for violations of this code, and may serve all processes and notices throughout the State.

Compensation

852. Every deputy so appointed who receives a salary of less than twenty-five dollars ($25) a month, except an employee of the Federal Government and an emergency employee for a limited period on a per diem basis, shall execute an official bond in the sum of two thousand five hundred dollars ($2,500). The premium on such bond shall be paid out of the Fish and Game Preservation Fund.

Bonded deputies

853. An appointment of a deputy required to execute a bond under Section 852 is invalid unless the appointee is specifically named and authorized to act by official order of the department and he has executed, and the department has approved, such an official bond or he is bonded under a master bond approved by the Director of Finance.

Any person who acts as such a deputy except pursuant to this section is guilty of a misdemeanor.

Warden

854. Notwithstanding Section 18932 of the Government Code, the minimum age limit for any examination for the position of Fish and Game Warden of the California Department of Fish and Game shall be 21 years, and the maximum age limit shall be 40 years. The age limits set herein shall not affect civil service eligible lists in effect September 7, 1955, nor apply to departmental employees in the first examination held subsequent to September 7, 1955.

Enforcement expenditures

855. Regularly employed law enforcement officers of the department may, when authorized by the director, expend such sums as authorized for the purchase of fish, birds, or mammals as evidence, or for expenditures related to the procurement of such evidence, or for expenditures made to investigate other violations of this code without divulging the identity of the employee.

The sums so expended shall be repaid to the law enforcement officer making the expenditure upon claims approved by the director. The claims, when approved, shall be paid out of the funds appropriated or made available by law for the support of the department.

Article 2. County Fish and Game Wardens

County warden

875. The board of supervisors of each county may, in its discretion, appoint a suitable person to serve for a period of two years from the date of his appointment as fish and game warden of the county.

Salary

876. The board of supervisors shall fix the salary to be paid and the expenses to be allowed the county fish and game warden, which salary and expenses shall be paid from the county treasury.

Removal

877. The board may by a majority vote of its members remove the warden at any time.

Duties and powers

878. The county fish and game warden shall enforce the state laws relating to the protection of fish and game. He has the powers of a peace officer to make arrests for the violation of such laws.

Reports

879. The county fish and game warden shall report quarterly to the board of supervisors, giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office. A copy of such detailed statement shall, at the same time, be filed with the department.

Deputy

880. The board of supervisors of each county may, in its discretion, appoint a deputy fish and game warden, to serve at the pleasure of the board.

881. The deputy shall have such powers, perform such duties, and receive such salary and be entitled to such expenses as the board may provide.

Salary

882. The salary and expenses of a deputy county fish and game warden shall be paid from the county treasury.

Chapter 3. Other Powers and Duties

Article 1. Generally

Research

1000. The department shall expend such funds as may be necessary for biological research and field investigation and for the collection and diffusion of such statistics and information as shall pertain to the conservation, propagation, protection, and perpetuation of birds and the nests and eggs thereof, and of mammals and fish.

Exception

1001. Nothing in this code or any other law shall prohibit the department from taking, for scientific or propagation purposes, fish, amphibia, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

Research, etc permits

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take, in any part of the State, for scientific or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia or any other form of plant or animal life.

The fee for such permits is five dollars ($5) per year. The license year for such permits is the calendar year or any part

thereof. It is not necessary for the possessor of such a permit to have a sport fishing or hunting license to pursue the scientific collecting of any fish, aquatic animal or plant, bird, or mammal in this State.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take, in any part of the State, for scientific or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia or any other form of plant or animal life.

This section does not apply to condors.

1003. Mammals, birds, and the nest and eggs thereof, fish and eggs thereof, mollusks, crustaceans, or any other form of plant or animal life taken under the provisions of such a scientific or propagation permit may be shipped or transported anywhere within or without the State if prior written approval is obtained from the department and each such shipment is accompanied by the name, address, and permit number of the person holding the scientific or propagation permit.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

1003. Anything taken under the authority of a permit for scientific or propagation purposes shall be accompanied by the permit while being transported, and shall be exempt from seizure while being transported, or while in possession, in accordance with the permit.

Capture and sale

1004. The department may capture and sell birds and mammals, at prices to be fixed by the commission, to persons engaged in the domestication and sale thereof in this State.

Exhibitions

1005. For the purpose of exhibiting fish and game educational material at fairs or sportsmen's shows and making other public displays, and to make conservation educational materials on fish and game available for any public use, including fairs, sportsmen's shows, schools, and civic organizations, the department may:

(a) Accept on behalf of the State donations of money and services from any person to defray such expenses as may be incurred by the department in connection therewith.

(b) Charge admissions or make a charge for the use of any departmental material or exhibits to be used in a fair, sportsmen's show, or by a civic organization.

Inspection

1006. The department may inspect the following:

(a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, or amphibia may be stored, placed, or held for sale or storage.

(b) All boxes and packages containing birds, mammals, fish, or amphibia which are held for transportation by any common carrier.

Importation, etc

1007. The department may import, propagate, and distribute birds, mammals, or fish.

Investigations

1008. The department shall investigate all diseases of, and problems relating to, birds, mammals, or fish, and establish and maintain laboratories to assist in such investigation.

Rights of way

1009. The department may obtain for the State rights of way over private lands for the purpose of furnishing access for the public to lands or waters open to public hunting or fishing whenever such rights of way are determined by the commission to be necessary for such public use. Such rights of way shall not be acquired by eminent domain proceedings.

The department may construct or cause to be constructed such fences, signs, and other structures as are necessary for the protection of any such right of way, and the cost of the construction shall be met out of the funds available to the department.

Grazing permits

1010. The department, by and with the approval of the Department of Finance, may sell grazing permits or otherwise dispose of excess vegetation or other products, produced on lands acquired by the department.

Insurance

1011. The department may:

(a) Procure insurance for its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workmen's compensation insurance.

(b) Procure insurance for its employees against injury or death in the course of performance of their duties arising from airplane accidents.

(c) Procure insurance on vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

The cost of such insurance shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

Article 2. General License Provisions

Licenses, permits and tags

1050. All licenses, permits, and license tags authorized by this code shall be prepared and issued by the department.

The commission shall determine the form of and the method of carrying and displaying, all licenses, and may require and prescribe the form of applications therefor, and the form of any contrivance to be used in connection therewith.

Whenever under any of the provisions of this code a permit or license is provided for, the commission shall, in accordance with such provisions, prescribe the terms and conditions under which the permit or license shall be issued and the department shall issue the permit or license in accordance therewith and with the applicable provisions of law.

Numbering

1051. Licenses and license tags of each class shall be consecutively numbered. Every license and license tag shall contain its expiration date and the amount of the fee for which it is issued. If no fee is required by this code, the license or license tag shall so indicate.

Unlawful use

1052. It is unlawful for any person to do any of following:

(a) Transfer any license or license tag.

(b) Use, or have in possession while hunting, any license or license tag not lawfully issued to him.

(c) Predate or postdate any license or license tag.

(d) Alter, mutilate, or deface any license or license tag or the entries thereon, to evade the provisions of this code.

Plural licenses

1053. Not more than one license or license tag of the same class shall be issued to or purchased by a person for the same license year, except upon the filing of an affidavit showing the loss or destruction or expiration of the license or license tag previously issued and upon payment of the full fee. However, duplicate commercial fishing licenses and packing and processing licenses shall be issued upon payment of a fee of three dollars ($3).

Any person authorized by the department to issue licenses may administer the oath for purposes of the affidavit without any fee.

False statements

1054. It is unlawful to make any false statement as to any fact required as a prerequisite to the issuance of a license or license tag, and any license or license tag obtained in violation of this section is void.

Any license agent may require the applicant for a license or license tag to show proof of the statements or facts required for the issuance of any license or license tag.

License agent

1055. The department may issue and may authorize any person except a commissioner or a person employed in the department to sell licenses and license tags. It may deliver licenses and license tags to persons so authorized without receiving full payment therefor, upon application of such person, and upon the giving of a bond as provided in this article.

Such person shall be allowed as compensation 5 percent of the amount collected and accounted for by him on the sales of such licenses or tags however, such compensation shall not exceed fifteen cents ($0.15) per sport fishing or hunting license, fifty cents ($0 50) per commercial fishing license, or five cents ($0 05) per license tag or permit. He may retain the compensation out of the fees received by him for sales of licenses or tags, and shall remit the balance of such fees to the department within 10 days following the last day of each calendar month.

(Amended by Stats. 1957, Ch. 1887)

[ORIGINAL SECTION]

1055. The department may issue and may authorize any person except a commissioner or a person employed in the department to sell licenses and license tags It may deliver licenses and license tags to persons so authorized without receiving full payment therefor upon application of such person, and upon the giving of a bond as provided in this article.

Such person shall be allowed as compensation 5 percent of the amount collected and accounted for by him on the sales of such licenses or tags He may retain the compensation out of the fees received by him for sales

of licenses or tags, and shall remit the balance of such fees to the department within 10 days following the last day of each calendar month

Bond

1056. Every person authorized to issue and sell licenses and license tags under the provisions of this article shall, when required by the department, execute in favor of the department a bond in a sum equal to the value of the licenses delivered to such person. The bond shall secure the faithful accounting and payment to the department of the funds collected from the sale of the licenses and the faithful performance of the duties imposed upon him by this article. The department may pay the premium on the bond out of the Fish and Game Preservation Fund.

Proceeds

1057. All license and license tag money shall be kept separate and apart from any other funds of a license agent, and shall at all times belong to the State.

Bankruptcy, claim

1058. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the State shall have a preferred claim against the license agent, receiver, or trustee for all moneys owing the State for the sale of licenses and license tags as provided in this code, and shall not be estopped from asserting such claim by reason of the commingling of funds or otherwise.

Failure to account

1059. Failure by any license agent to account for sales of licenses or license tags and money received from such sales upon demand by an authorized representative of the department is a misdemeanor.

Affidavit of settlement

1060. The department or its authorized employees may accept from any bonded license agent an affidavit for settlement on its account in lieu of licenses and license tags that have been lost or destroyed. Such affidavits shall show the value and classification of the licenses and license tags, their serial numbers, and the causes of loss or destruction.

1110. Section 1110 as added to this code by the initiative measure adopted at the General Election of November 8, 1938, is set forth at Section 7891 of this code.

Article 3. State Fish Hatcheries

State hatcheries

1120. The commission shall establish fish hatcheries for stocking the waters of this State with fish. The department shall maintain and operate such hatcheries.

Lease from public agency

1121. In any lease entered into whereby the State leases from any county, city, irrigation district, or other public agency in this State, real property for the purpose of establishing or maintaining a fish hatchery, the State may agree to indemnify and hold harmless the lessor by reason of the uses authorized by such lease. Insurance may be purchased by the Department of Finance to protect the State against loss or expense arising out of such an agreement.

Damage claims

1122. Any claim for damages arising against the State under Section 1121 shall be presented to the State Board of Control in accordance with Section 16041 of the Government

Code, and if not covered by insurance as herein provided shall be payable only out of funds appropriated by the Legislature for such purposes. If the State elects to insure its liability under Section 1121, the State Board of Control may automatically deny any such claim.

Importation of spawn

1123. The department may purchase and import spawn or ova of fish suitable for food, and stock with such spawn or ova the waters of this State.

Unlawful taking of fish

1124. It is unlawful to take any fish in any pond or reservoir belonging to or controlled by the department and used for propagating, protecting, or conserving fish.

Research by Federal Government

1125. The Secretary of the Interior of the United States and his duly authorized agents may conduct fish cultural operations and scientific investigations in the waters of this State in such manner and at such times as may be jointly considered necessary and proper by the director and his agents, and the commission.

Article 4. County Fish Hatcheries

County hatcheries

1150. The boards of supervisors of the several counties may establish and maintain fish hatcheries, and may purchase the spawn or ova of fish.

Chapter 4. Wildlife Conservation Law of 1947

Article 1. Generally

Short title

1300. This chapter is known and may be cited as the Wildlife Conservation Law of 1947.

Policy

1301. The preservation, protection and restoration of wildlife within the State is an inseparable part of providing adequate recreation for our people in the interest of public welfare; and it is the policy of the State to acquire and restore to the highest possible level, and maintain in a state of high productivity, those areas that can be most successfully used to sustain wildlife and which will provide adequate and suitable recreation. To carry out these purposes, a single and coordinated program for the acquisition of lands and facilities suitable for recreational purposes, and adaptable for conservation, propagation, and utilization of the fish and game resources of the State, is established.

Article 2. The Wildlife Conservation Board

Board

1320. There is in the department the Wildlife Conservation Board, hereafter referred to as the board. The board consists of the president of the commission, the director, and the Director of Finance.

Chairman

1321. The chairman of the board shall be elected by the members of the board.

Expenses

1322. The members of the board shall receive their actual and necessary traveling expenses, which shall be paid from the Wildlife Restoration Fund.

Participation by legislators

1323. Three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof, shall meet with the board and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

Interim investigating committee

1324. For the purposes of this chapter, the Members of the Legislature shall constitute an interim investigating committee on the subject of this chapter and as such shall have the powers and duties imposed upon such a committee by the Joint Rules of the Senate and the Assembly.

Article 3. Powers and Purposes

Investigations and studies

1345. The board shall investigate, study, and determine what areas within the State are most essential and suitable for wildlife production and preservation, and will provide suitable recreation; and shall ascertain and determine what lands within the State are suitable for game propagation, game refuges, bird refuges, waterfowl refuges, game farms, fish hatcheries, game management areas, and what streams and lakes are suitable for, or can be made suitable for, fishing, hunting, and shooting.

1346. The board shall also ascertain what lands are suitable for providing cover for the propagation and rearing in a wild state of waterfowl, shore birds, and upland birds, and the possibilities of acquiring easements on such lands to provide such cover.

1347. As a result of such studies the board shall determine what areas, lands, or rights in lands or waters should be acquired by the State in order to effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State.

Land acquisition

1348. The board shall authorize the acquisition of such lands, rights in land, water, or water rights as may be necessary to carry out the purposes of this chapter. The board may authorize such acquisition by the department, but the department shall not acquire any of such property by eminent domain proceedings except such property as may be necessary to provide access roads or rights of way to areas to be used for fishing the coastal waters of the Pacific Ocean, and then only if the board of supervisors of the affected county has agreed by resolution to such proceedings for each parcel of land and has further agreed by resolution to maintain the road or right of way. The board may authorize such acquisition by the State Public Works Board, which is hereby empowered to effect such acquisitions pursuant to the Property Acquisition Act.

(Amended by Stats. 1957, Ch 1799.)

[ORIGINAL SECTION]

1348 The board shall authorize the acquisition of such lands, rights in land, water, or water rights as may be necessary to carry out the purposes of this chapter The board may authorize such acquisition by the department but the department shall not acquire any of such property by eminent domain proceedings The board may authorize such acquisition by the State Public Works Board, which is hereby empowered to effect such acquisition pursuant to the Property Acquisition Law.

Farm lands

1349. No farm lands may be acquired under the provisions of this chapter by proceedings in eminent domain except by specific authorization of the Legislature, notwithstanding any provision of Section 1348. Nothing in this section shall apply to any proceedings to acquire farm lands when the owner thereof has consented to, or requested the institution of, such proceedings.

Construction of facilities

1350. The department shall, when authorized by the board, construct in accordance with law such facilities as are suitable for the purpose for which the lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the department.

The department, with the approval of the Department of Finance, may enter into agreements with any other department or agency of this State, a county, city, public corporation, or public district of this State, to provide for the construction, management or maintenance of the facilities authorized by the board, and such other department or agency of this State, county, city, public corporation, or public district are, and each of them is, hereby authorized to construct, manage, or maintain such facilities pursuant to such agreement. Work performed by a county, city, public corporation, or public district under such agreements shall be exempt from the provisions of Chapter 3 (commencing at Section 14250), Part 5, Division 3, Title 2 of the Government Code; provided, however, that nothing in this section shall be construed to exempt any work from the provisions of Part 7 (commencing with Section 1720), Division 2 of the Labor Code.

(Amended by Stats 1957, Ch. 754.)

[ORIGINAL SECTION]

1350 The department shall, when authorized by the board, construct in accordance with law such facilities as are suitable for the purpose for which the lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the department.

Recreational areas

1351. Each recreational area shall be so managed and controlled that the public shall have access to and use of the area for all recreational purposes.

Wildlife Restoration Fund

1352. The money in the Wildlife Restoration Fund, created by Section 19627 of the Business and Professions Code, is available for expenditure under any provision of this chapter.

Boats, aircraft, equipment

1353 The board may purchase such boats, aircraft, or equipment as it deems necessary for the use of the department for the improvement and protection of marine fisheries.

1354. The provisions of Section 1349 shall not apply to the Archibald Lake Archibald Lake Public Fishing and Recreation Area and farm lands may be acquired by eminent domain proceedings for inclusion in that area.

This section shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature and thereafter shall have no force or effect.

(Added by Stats. 1957, Ch. 1037.)

1354. The board may authorize the acquisition of such lands or rights in land as may be necessary for the purpose of furnishing public access to lands or waters open to the public for fishing, hunting and shooting. The board may authorize such acquisition by the department. Access for hunting and fishing

(Added by Stats. 1957, Ch. 754.)

Article 4. Cooperation With United States

1375. The board may act either independently or may cooperate with the United States Fish and Wildlife Service, Department of Interior, or any other federal agency in determining any of the questions referred to in this chapter, or in the acquisition and construction of any of the projects mentioned in this chapter. Cooperation

Chapter 5. Fish and Game Management

Article 1. Generally

1500. The department may, with the approval of the commission and the Department of Finance, exchange any portion of the property lying within the boundaries of any area or range referred to in this section for any property within or contiguous to such area or range or may sell any portion of the property within such boundaries and with the proceeds thereof acquire any property within or contiguous to such area or range; provided, that no exchange or sale of property authorized in this section shall materially reduce the total area of any range or area referred to in this section. A copy of each deed of conveyance executed and delivered by the department, and of each deed conveying lands to the State, pursuant to this section shall be delivered to the State Lands Commission. Land exchanges

The provisions of this section apply to all of the following:

(a) The Madeline Plains Waterfowl Management Area, consisting of five thousand one hundred seventy-six (5,176) acres, more or less, located in Lassen County.

(b) The Doyle Deer Winter Range, consisting of thirteen thousand four hundred twenty-nine (13,429) acres, more or less, located in Lassen County.

(c) The Tehama Deer Winter Range, consisting of forty-two thousand eight hundred ninety-six (42,896) acres, more or less, located in Tehama County.

(d) The Honey Lake Waterfowl Management Area, consisting of three thousand five hundred nineteen (3,519) acres, more or less, located in Lassen County.

(e) The Imperial Waterfowl Management Area, consisting of two thousand five hundred ninety-nine (2,599) acres, more or less, located in Imperial County.

(f) The Mendota Waterfowl Management Area, consisting of eight thousand six hundred (8,600) acres, more or less, located in the County of Fresno.

Fish habitat improvements

1501. The department may expend such funds as may be necessary for the improvement of lakes and streams for fish, including the selection, restoration, rehabilitation, and improvement of areas of water or land adaptable as hatching, feeding, resting, or breeding places for fish, and the construction of such works as may be necessary to make them available for such purposes, including the removal of barriers to the movement and migration of fish with the permission of the owner.

The department may carry on such fisheries habitat improvement work on private land with the permission of the property owner, without the State acquiring an interest in the property.

Feeding

1502. The department, in accordance with policies established by the commission, may provide for the feeding of game birds, mammals, or fish at such times as natural foods therefor are not available, and may provide suitable area or areas for such feeding, and may for those purposes expend such money as is necessary from the Fish and Game Preservation Fund.

Deer

1503. The department shall provide for the feeding of deer wherever the director finds that natural forage is unavailable therefor due to excessive snow. The times, extent, and manner of such feeding shall be prescribed by the director. In carrying out the provisions of this section neither the department nor the director shall be bound by any policy determination or regulation of the commission, it being the purpose of this section to commit to the independent discretion of the director all matters within the purview of this section.

No deer shall be fed pursuant to this section upon any privately owned land without the consent of the owner or person in lawful possession of such land.

Taxes

1504. When income is derived directly from real property acquired and operated by the State as wildlife management areas, and regardless of whether income is derived from property acquired after October 1, 1949, the department shall pay annually to the county in which the property is located an amount equal to the county taxes levied upon such property at the time title to the property was transferred to the State. The department shall also pay the assessments levied upon the property by any irrigation, drainage, or reclamation district.

Any delinquent penalties or interest applicable to any such assessments made prior to September 9, 1953, are hereby canceled and shall be waived.

Payments provided by this section shall be from funds available to the department.

As used in this section, the term "wildlife management area" includes waterfowl management areas, deer ranges, upland game bird management areas and public shooting grounds.

Article 2. Wildlife Management Areas and Game Farms

Powers

1525. For the purposes of propagating, feeding and protecting birds, mammals, and fish, and establishing wildlife management areas or public shooting grounds the department, with the approval of the commission, may:

(a) Accept, on behalf of the State, donations of birds, mammals, and fish, and of money given or appropriated. Such donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(b) Acquire, by purchase, lease, rental or otherwise, and occupy, develop, maintain, use and administer, land, or land and water, or land and water rights, suitable for state game farms, wildlife management areas, or public shooting grounds.

Property acquisition

1526. Any property acquired for wildlife management areas or public shooting grounds shall be acquired in the name of the State, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as wildlife management areas or public shooting grounds.

Land title

1527. The department shall do all things necessary to secure a valid title in the State to the property acquired for wildlife management areas or public shooting grounds but no payment shall be made therefor until the title is satisfactory to the Attorney General, and is vested in the State The acquisition of the property by the State is not prohibited by reason of rights of way, easements, or reservations which, from their nature, in the opinion of the department, will in no manner interfere with the use of the property for the purpose for which it is acquired.

Public shooting grounds

1528. Lands, or lands and water, acquired for public shooting grounds shall be operated on a nonprofit basis by the department. The commission may determine and fix the amount of, and the department shall collect, permit fees for the shooting privilege on public shooting grounds Only persons holding valid hunting licenses may apply for or obtain such shooting permits.

Game farm output

1529. The output of any state game farm shall be distributed on public lands or where the department determines that the output will receive adequate protection and be most likely to thrive and multiply.

Entrance into management area or shooting ground

1530. Except in accordance with the regulations of the commission, it is unlawful to enter upon any wildlife management areas or public shooting grounds established under the provisions of this article, or to take therein any bird or the nest or eggs thereof, or any mammal.

The taking of birds and mammals on public shooting grounds shall be regulated by the commission by regulation as provided in this section. Prior to making any such regulation, the commission shall, at an open meeting of the commission, publicly announce the contents of the regulation it proposes to make and at the same time specify a subsequent open meeting to be held not less than 30 days thereafter at which it will take final action on the proposed regulation.

Article 3. Cooperative Hunting Areas

Private lands

1570. 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.

Hunting area

1571. In the case of a cooperative hunting area that is operated for other than waterfowl, 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 a cooperative hunting area that is 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 each such area 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.

Regulations and fees

1572. The commission may establish regulations and set fees for the management and control of hunting on such areas.

The owner 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.

DIVISION 3. FISH AND GAME GENERALLY

CHAPTER 1. TAKING AND POSSESSING IN GENERAL

Unlawful taking and possession

2000. It is unlawful to take any bird, mammal, fish, or amphibian except as provided in this code or regulations made pursuant thereto. Possession of a bird, mammal, or fish in or on the fields, forests, or waters of this State, or while returning therefrom with fishing or hunting equipment, is prima facie evidence the possessor took the bird, mammal, or fish.

Open season

2001. Unless otherwise provided, it is unlawful to possess birds, mammals, fish, or amphibia except during the open season where taken and for 10 days thereafter; and not more than one daily bag limit thereof may be possessed during the period after the close of the open season.

Possession

2002. It is unlawful to possess any bird, mammal, fish, or amphibian, or parts thereof, taken in violation of any of the provisions of this code, or of any regulation made under it.

Prizes

2003. It is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, or amphibia, excepting trout.

This section does not prohibit any person or nonprofit corporation from giving tokens or awards of nominal value, and does not apply to any person or nonprofit organization conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

Property damage

2004. It is unlawful for any person, while taking any bird, mammal, fish, or amphibian, to cause damage, or assist in causing damage, to real or personal property, or to leave gates or bars open, or to break down, destroy, or damage fences, or to tear down or scatter piles of rails, posts, stone, or wood, or, through carelessness or negligence, to injure livestock of any kind.

Artificial light

2005. It is unlawful to use an artificial light to assist in the taking of game birds, mammals, or game fish, except that this section shall not apply to sport fishing in ocean waters or other waters where night fishing is permitted if the lights are not used on or as part of the fishing tackle, commercial fishing, nor to the taking of predators or mammals the taking of which is governed by Article 2 (commencing with Section 4180) of Chapter 2, Part 3, Division 4.

It is unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest upon any game mammal while having in his possession or under his control any firearm or weapon whereby such mammal could be killed, even though the mammal is not killed, injured, shot at, or otherwise pursued. The provisions of this section do not apply in a case where the headlights of a motor vehicle operated in a usual manner on a highway cast a light on such a mammal near or on such highway and there is no attempt or intent to locate the mammal.

Loaded rifle or shotgun

2006. It is unlawful to possess a loaded rifle or shotgun in any vehicle or conveyance or its attachments which is standing on or along or is being driven on or along any public highway or other way open to the public.

A rifle or shotgun shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell in the firing chamber but not when the only cartridges or shells are in the magazine.

The provisions of this section shall not apply to peace officers or members of the armed forces of this State or the United States, while on duty or going to or returning from duty.

2007 It is unlawful to set, cause to be set, or placed any trap gun.

"Trap guns"

A "trap gun" is a firearm loaded with other than blank cartridges and connected with a string or other contrivance contact with which will cause the firearm to be discharged.

"Cane gun"

2008. It is unlawful to use or possess any firearm commonly known as a "cane gun," or a gun of similar character.

Bird net

2009. It is unlawful to use or possess a bird net.

Shotguns

2010. It is unlawful to use or possess a shotgun larger than 10-gauge, or to use or possess a shotgun capable of holding more than six cartridges at one time

Bird or mammal in possession of another

2011. Any person who takes, mutilates or destroys any bird or mammal, lawfully in the possession of another, shall be guilty of a misdemeanor.

For the purpose of this section, a bird or mammal shall be deemed in possession (a) when it is actually reduced to physical possession or (b) when it is wounded or otherwise maimed and the person who wounded or otherwise maimed it is in hot pursuit.

Exhibition of license

2012. All licenses, license tags, and the birds, mammals, fish, or amphibia taken or otherwise dealt with under the provisions of this code, and any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, or amphibia shall be exhibited upon demand to any person authorized by the department to enforce the provisions of this code or any law relating to the protection and conservation of birds, mammals, fish, or amphibia.

Application within and without State

2013. Unless otherwise provided, the provisions of this code relating to the possession of birds, mammals, fish, or amphibia apply to birds, mammals, fish, or amphibia taken either in or outside of this State.

Wilful or negligent destruction

2014. It is the policy of this State to conserve its natural resources and to prevent the wilful or negligent destruction of birds, mammals, fish, or amphibia.

The State may recover damages in a civil action against any person who unlawfully or negligently takes or destroys any bird, mammal, fish, or amphibian protected by the laws of this State.

The measure of damages is the amount which will compensate for all the detriment proximately caused by the destruction of such birds, mammals, fish, or amphibia.

An action to recover damages under this section shall be brought in the name of the people of the State, in a court of competent jurisdiction in the county in which the cause of action arose.

This section does not apply to persons engaged in agricultural pest control, to the destruction of fish in irrigation canals or works or irrigation drainages, or to the destruction of birds or mammals killed while damaging crops as provided by law.

CHAPTER 2. IMPORTATION AND TRANSPORTATION OF UNDESIRABLE LIVE WILD ANIMALS

Article 1. Generally

"Wild animal".

2116. As used in this chapter, "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), phylum Mollusca (snails), or of the class Crustacea (crayfish) which either is not normally domesticated or not normally native to this State.

"Enforcing officers"

2117. As used in this chapter, "enforcing officers" means the enforcement personnel of the department, the state plant quarantine officers, and the county agricultural commissioners.

Unlawful importation

2118. It is unlawful to import or transport alive into this State, except as provided in this chapter, any wild animal of any of the following species or groups:

(a) Yellowhammer, Emberiza citrinella; hooded crow, Corvus cornix; carrion crow, Corvus corone; rook, Corvus frugilegus; European starling, Sturnus vulgaris; crested starling, Aethiopsar cristatellus; common mynah, Acridotheres tristis; skylark, Alauda arvensis; European blackbird, Turdus merula; missel thrush, Turdus viscivorus; baya, Ploceus baya; Madagascar weaver, Foudia madagascariensis.

(b) Opossums of the family Didelphidae; European rabbit, Lepus cuniculus; European hare, Lepus europaeus, and all other species of the family Leporidae except domesticated races of rabbits; bank vole, Clethrionomys glareolus; field voles, Microtus hirtus and Microtus agrestis; water rat, Arvicola amphibus; long-tailed field mouse, Apodemus sylvaticus; and all other species of the following rodent families, Muridae (mice and rats), Cricetidae (hamsters and old world field mice), Sciuridae (ground squirrels, prairie dogs, woodchucks, etc.), and Geomyidae (pocket gophers); weasel, Mustela nivalis; stoat, Mustela erminea; ferret, Mustela furio; mongoose, Herpestes mungo, and all other species of the genus Herpestes; European mole, Talpa europaea, and all other Talpidae; flying foxes or fruit bats of the family Pteropodidae; bats of the family Desmodontidae.

(c) Crayfishes of the genera Cambarus and Astacus; slugs and land snails of the molluscan class Gastropoda.

(d) Such other species of wild animal which may be subsequently designated by the commission when such species are proved undesirable and a menace to the native wildlife or to the agricultural interests of this State.

Published list

2119. The department shall publish at least annually a list of the wild animals which may not be imported or transported into this State.

Regulations re confinement of animals

2120. The commission may promulgate regulations governing the keeping in confinement of any and all wild animals which are being or which have been imported into this State pursuant to the provisions of this chapter. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this State resulting from the existence at large of any such wild animal.

Cooperation with State Department of Agriculture

2121. The commission shall promulgate regulations in cooperation with the State Department of Agriculture for the guidance of the enforcing officers. Such regulations shall include a list of the wild animals for which permits that may be issued under this chapter will be refused.

Descriptions, etc

2122. The department shall furnish descriptions and other explanatory and illustrative material concerning the wild animals which have been designated as undesirable and a menace to the native wildlife or to the agricultural interests of this State for the information and guidance of the enforcing officers.

Article 2. Permits

Permits to import

2150. The department may issue a written permit to import into or transport within this State any wild animal enumerated in or designated pursuant to Section 2118, upon a determination that the animal is not detrimental to agriculture, to native wildlife, or to the public health or safety.

Application

2151. A permit shall be issued only upon written application from the person desiring to import or transport the species, enumerating all of the following:

(a) The approximate number and true scientific name of each species of wild animal for which a permit is requested.

(b) The carrier and probable point of first arrival in this State of each shipment of such species.

(c) The purpose for which they are to be imported or transported.

(d) The name and address of the consignee.

2152. Each permit issued shall set forth all of the following:

(a) The number and true scientific name of the species of wild animal for which the permit is granted.

(b) A statement of the manner and conditions under which the entry of such species is permitted.

(c) A statement of the conditions under which the species shall be kept after importation or during transportation.

Copies

2153. Whenever any permit is issued under the provisions of this article, one copy shall be sent by the department to the county agricultural commissioner or to the state plant quarantine officer having jurisdiction at the place designated in the application as the probable point of first arrival in the State of such species, and one copy shall accompany each shipment of wild animals involved.

Article 3. Regulation and Enforcement

Inspection of animals

2185. All wild animals brought alive into this State shall be held in confinement and reported for inspection to the nearest enforcing officer; and if, upon inspection, there is found any species enumerated in or designated pursuant to Section 2118 not specified in any permit issued under this chapter, or more than the approximate number of any species specified in the permit, all such species not specified or in excess of the number specified, or not accompanied by a permit, shall be refused admittance or, if admitted, shall be either returned to the point of origin or destroyed, at the option of the owner or bailee thereof, and any such return or destruction shall be at the expense of the owner or bailee.

Periodic examinations

2186. Whenever any wild animal is brought into this State under permit, as provided in this chapter, the enforcing officers shall, from time to time, examine the conditions under which such species is kept, and report to the department any violations of the conditions of the permit or of the regulations promulgated under the provisions of this chapter.

Unlawful importation

2187. All wild animals brought alive into this State in violation of the provisions of this chapter shall, upon notice from the enforcing officer inspecting them or discovering the violation, either be returned to the point of origin or destroyed, at the option of the owner or bailee thereof, and any such return or destruction shall be at the expense of the owner or bailee.

2188. Any wild animal prohibited entry into this State under the provisions of this chapter or any regulations thereunder, or for which permits are refused, shall be subject to destruction by any enforcing officer when found in the possession of any person, unless such person has a permit from the department permitting the keeping of such wild animal in confinement in accordance with the regulations of the commission.

Unlawful liberation

2189. It is unlawful for any person who keeps in confinement, with or without a permit, any wild animal of a species enumerated in or designated pursuant to Section 2118, to liberate, ship, or transport the bird or animal except in accordance with the conditions of a permit first obtained from the department.

Destruction

2190. Whenever any wild animal, the name of which has been published in accordance with Section 2119 or 2121, is found at large or not kept in confinement in accordance with

the regulations of the commission, it shall be summarily destroyed by an enforcing officer.

Chapter 3. Importation and Transportation of Other Live Birds, Mammals and Fish

Article 1. Birds

Birds

2225 Except as otherwise provided, it is unlawful for any common carrier to transport any live protected nongame bird or any live resident or migratory game bird for which there is no open season.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

2225. Except as otherwise provided, it is unlawful for any common carrier to transport any live nongame bird or any live game bird for which there is no open season.

Article 2. Mammals

Muskrats

2250. It is unlawful to import or transport into or possess any live muskrat (genus Ondatra) in the region west of the crest of the Cascade-Sierra Nevada mountain system, and west and south of the Tehachapi, Liebre, San Gabriel, San Bernardino, San Jacinto, Cuyamaca, and connected mountains south to the international boundary, or in any watershed tributary to or draining into the Pacific Ocean, except the drainage basin of the Klamath River. It is unlawful to import or transport live muskrats into any part of California outside that region, except under permit issued by the department. A county agricultural commissioner, fish and game deputy, or state plant quarantine officer may enter upon lands or waters where muskrats unlawfully exist, and remove or destroy the muskrats.

2251 (Repealed by Stats. 1957, Ch. 1510.)

[ORIGINAL SECTION]

2251. A person rearing or importing nutria (South American beaver, coypu) shall provide for the care of them in pens that shall preclude their escape, and shall obtain from the department a license which will allow for the importation or rearing of them under regulations adopted by the commission. The cost of such a license shall be twenty-five dollars ($25) annually.

Article 3. Fish, Amphibia, and Aquatic Plants Generally

Fish

2270. It is unlawful for any person to receive, bring, or cause to be brought into this State, for the purpose of propagation, any fish, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, amphibia, or aquatic plants are known to exist.

Notice of intent to import

2271. Every person who receives, brings, or causes to be brought into this State any live fish, amphibian, or aquatic plant, shall give written notice 10 days in advance to the

director showing the probable date and place of arrival of such fish, amphibian, or aquatic plant. This notice is not required in the case of mollusks or crustaceans brought into the State unless such mollusks or crustaceans are or may be placed in the waters of this State.

Tags

2272. Each package containing fish, amphibia, or aquatic plants shall bear in a conspicuous place a tag on which shall be stated the name and residence of the consignor and the consignee, and the exact contents of the package.

Golden trout

2273. The eggs and fry of golden trout shall not be transported out of the State.

Article 4. Domesticated Fish

License

2301. Live, domesticated fish raised lawfully in any other state may be imported into this State and transported or sold under a license obtained from the department. The fee for such a license is five dollars ($5) per calendar year or part thereof.

Permit to import

2302. The person who is to receive any such fish shall apply to the department for an importation permit to import each shipment of such fish. The permit may only be issued for fish from a hatchery lawfully operated in the state in which it is situated. The application for the permit shall state the hatchery or hatcheries from which such fish are to be imported, the quantity of fish in each shipment to be received, and the name and address of the person to receive them.

Sale and transportation

2303. Live, domesticated fish may be sold and transported only when accompanied by a permit issued by the department. Fish, other than those being imported under an importation permit, shall be accompanied by a sale and transportation permit issued by the department.

No sale and transportation permit shall be issued unless the fish are consigned to a person having a license or permit under Section 6401, 6454, or 8460.

Tags

2304. Such imported fish shall be tagged, whenever killed or dressed for sale for human consumption, as provided in Article 3 (commencing with Section 2430), Chapter 4, Division 3, and in accordance with the regulations prescribed by the commission. The provisions of this section shall have no application to the importation of fish eggs to be used for propagation within this State.

Chapter 4. Importation and Transportation of Dead Birds, Mammals, Fish, and Amphibia

Article 1. Dead Wild Birds, Mammals, Fish, and Amphibia

Application

2345. This article applies to all dead wild birds, mammals, fish, and amphibia. This article also applies to live mollusks and crustaceans which are transported for purposes other than placement in the waters of this State.

Transportation exceeding bag limit by common carrier

2346. It is unlawful for a common carrier or his agent to transport for, or to receive for transportation from, any one person, during any interval of time, more than the bag limit of birds, mammals, fish, or amphibia which may legally be taken and possessed by such person during that interval.

2347. It is unlawful for any person to offer for transportation by common carrier during any interval of time more than the bag limit of birds, mammals, fish, or amphibia which may legally be taken and possessed by such person during that interval.

Packages

2348. Any package in which birds, mammals, fish, or amphibia, or parts thereof are offered for transportation to, or are transported or received for transportation by, a common carrier or his agent shall bear the name and address of the shipper and of the consignee and an accurate description of the numbers and kinds of birds, mammals, fish, or amphibia contained therein clearly and conspicuously marked on the outside thereof.

Licensed commercial fishermen and licensed commercial fish dealers are subject to all of the provisions of this section, except that commercial shipments of fish may be indicated by total net weight of each species instead of by numbers.

Parcel post

2349. No bird, mammal, fish, or amphibian, except smoked, cured, or dried fish other than trout, may be shipped by parcel post.

Export

2350. It is unlawful to transport or carry out of this State any deer or game bird, or parts thereof, except by the holder of a nonresident hunting license or under a written permit issued by the department.

Shipping tags

2351. It is unlawful for any common carrier or his agent to ship or accept for shipment, or for any person to offer for shipment by common carrier, any bird, mammal, fish, or amphibian for which shipping tags are provided pursuant to law or commission regulation for issuance with hunting or angling licenses unless the shipment is accompanied by an appropriate shipping tag.

Birds Nongame or no open season

2352. Except as permitted by this code, it is unlawful for any common carrier to transport any protected nongame bird, or to transport any resident or migratory game bird for which there is no open season.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

2352. Except as permitted by this code, it is unlawful for any common carrier to transport any nongame bird, or to transport any game bird for which there is no open season.

Import declaration

2353. No birds, mammals, fish, or amphibia may be brought into this State unless legally taken outside of this State and a declaration is made at the time of entry with the nearest judge of a justice court or notary public, or any state or federal agency designated by the department.

Such declaration shall be in a form prescribed by the department. One copy shall be carried by the person bringing in the birds, mammals, fish, or amphibia while they are in his possession and one copy shall be left on file with the person or agency before whom the declaration is made.

Birds, mammals, fish, or amphibia legally taken outside this State may be imported into this State without such a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried into this State by common carriers for use as food for the passengers.

Marlin meat

2354. Marlin meat may not be transported out of this State.

Deer

2355. Deer may be transported into this State only when in accordance with the law of the state in which the deer was taken, and when in accordance with the law of this State and the regulations of the commission adopted pursuant thereto.

Trout

2356. It is unlawful at any time to offer for shipment, ship, or receive for shipment, or transport from this State any trout taken in the waters of this State, except that the holder of a nonresident angling license may personally transport from this State not more than one daily bag limit of trout taken under the authority of a nonresident angling license.

2357. It is unlawful to carry trout into an area where the season is closed unless an affidavit is made in duplicate before the nearest judge of the justice court or notary public in the area in which the trout are or might be lawfully taken. Such affidavit shall state the date and place of taking such trout, and the name, address, and number of the angling license of the person legally taking such trout. The duplicate of the affidavit shall be left on file with the judge of the justice court or notary public before whom the affidavit is made.

2358. It is unlawful to ship trout into an area where the season is closed unless the shipment is accompanied by a written statement containing the name and address of, and signed by, the person taking the trout, and countersigned, for the purpose of identification, by the agent of the carrier to whom the trout are offered for shipment.

Bass striped

2359. No striped bass may be transported or carried out of or into this State.

Same Black spotted

2360. Black bass and spotted bass lawfully taken may be carried or transported into and possessed in an area where the season is closed.

Salmon

2361. It is unlawful to import into this State for commercial purposes any king salmon less than 26 inches in length or silver salmon less than 25 inches in length, measured from the tip of the snout to the extreme tip of the tail, except that during the period Section 8211 is in effect the size limit on silver salmon is 22 inches.

Yellowtail, barracuda, white seabass

2362. Yellowtail, barracuda, and white seabass taken in waters lying south of the international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean, may be delivered to California ports aboard boats, including boats carrying purse seine or round haul nets in ac-

cordance with such regulations as the commission may make governing the inspection and marking of such fish imported into this State. The cost of such inspection and marking shall be paid by the importer.

Sturgeon

2363. Sturgeon or parts thereof from without the State may be imported, possessed, and sold within the State under regulations of the commission.

Crab meat

2364. Crab meat from outside the State may be imported into the State under regulations of the commission.

Spiny lobsters

2365. Spiny lobsters may be imported into California until the twenty-sixth day after the close of the California season. Lobsters imported into California and lobsters legally taken in California during the open season prescribed in this code may be possessed and sold during the closed season, subject to the regulations of the commission.

The cost of inspection and marking, under the regulations of the commission, shall be paid by the importer or owner of the lobsters.

(Amended by Stats. 1957, Ch. 1381.)

[ORIGINAL SECTION]

2365. No spiny lobsters taken in the waters lying south of the international boundary line between the United States and Mexico, extending westerly in the Pacific Ocean, may be brought into this State during the closed season. Lobsters taken during the open season may be possessed and sold at any time, subject to the regulations of the commission

The cost of inspection and marking, under the regulations of the commission, shall be paid by the importer or owner of the lobsters

Abalone meat

2366. Abalone meat may not be transported out of the State. Ground abalone trimmings, however, when canned, frozen, or made into meal, may be transported out of the State.

Pismo clams

2368. No pismo clam taken in this State may be shipped.

Abalones and pismo clams

2369. Abalones and pismo clams taken outside this State shall not be brought into, nor possessed within, any district during the closed season for abalones or pismo clams in the district.

Abalones or pismo clams taken outside this State may be imported into this State when accompanied by a United States custom house entry certificate showing their place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin. Such abalones or pismo clams may be canned and shipped outside this State.

The commission may prescribe regulations governing the inspection and marking of abalones and pismo clams imported into this State. The cost of such inspection and marking shall be paid by the importer of the abalones or pismo clams.

Clams

2370. No clams taken in District 7, 8, or 9 may be transported to any place outside the boundaries of Districts 1½ and 2½.

Shark livers

2371. It is unlawful to transport or carry shark livers out of this State without a permit from the department. The de-

partment shall issue such permit when it appears that the provisions of this code have been complied with in relation to the shark livers as to which the permit is sought.

Article 2. Dead Domesticated Birds and Mammals

Game breeder's tag

2400 Common carriers may transport at any time the carcasses or parts thereof of dead domesticated game birds and mammals tagged with a domesticated game breeder's tag as provided in Article 1 (commencing with Section 3200), Chapter 2, Part 1, of Division 4. In addition, a tag or label shall be affixed to every package containing such carcass or part, which shall:

(a) Give the names of the person to whom the game breeder's license was issued, of the person by whom such game was killed, of the person to whom such game is consigned, and of the person by whom such game was tagged.

(b) Give the number of carcasses or portions thereof contained in the package.

(c) State that the game birds or mammals were killed and tagged in accordance with the provisions of Article 1 (commencing with Section 3200), Chapter 2, Part 1, of Division 4.

Importation

2401. Notwithstanding the provisions of Section 3206, the carcasses or parts of domesticated game birds which have been raised outside of this State may be imported into this State, and transported, sold, or possessed in this State.

Common carriers may receive and transport such carcasses or parts at any time. A label shall be affixed to every package containing such carcasses or parts with the following data plainly written or printed thereon:

(a) The names and addresses of the consignor and consignee.

(b) The number and kinds of carcasses or parts thereof.

(c) A statement that the contents are carcasses or parts of domesticated game birds raised outside this State.

Article 3. Dead Domesticated Fish

Tags or packages

2430. Domesticated fish propagated and raised in this State under a domesticated fish breeder's license granted in accordance with the provisions of Article 3 (commencing with Section 6450), Chapter 5, Part 1, of Division 6, or lawfully reared and imported into this State, may be transported or sold when not alive, if tagged or packaged under regulations of the commission. Tags shall be of a type prescribed by the department, and shall be sold to the applicants at cost plus handling charges, as determined by the commission.

License and tag

2431. Any person importing, transporting, or selling dead domesticated fish raised in any other state or country shall obtain a license from the department. The fee for such license is five dollars ($5) per calendar year or part thereof. Such imported hatchery-raised domesticated fish shall be tagged as

provided in this article, and in accordance with the regulations of the commission.

Possession

2432. It is unlawful to possess any dead domesticated fish unless it is tagged or packaged pursuant to this article.

Food

2433. Any person may sell or purchase for use as food, at any season of the year, any domesticated fish tagged or marked for identification as provided in this article. The tag shall be removed only by the consumer, and when removed shall be destroyed.

CHAPTER 5. HUNTING AND FISHING GUIDES

"Guide"

2535. As used in this chapter, "guide" means any person who is engaged in the business of packing or guiding, and who for compensation assists another person in hunting or fishing, and includes any person who transports other persons or their equipment or both to hunting or fishing areas, irrespective of whether or not the latter persons determine the destination or course of travel, or both.

License

2536. It is unlawful for any person to be engaged in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a guide license from the department. An employee of a licensee who acts as a guide or packer only in connection with his employment need not have a guide license. Each licensee shall be responsible for all acts or omissions of his employees when acting within the scope of their employment.

Applications

2537. Any person who desires a license as a guide shall make application for such license on a form to be prescribed and furnished on request by the department. The application shall show all of the following:

(a) The name, age, and address of the applicant.

(b) The area or areas of the State in which he proposes to operate.

(c) The type or types of guiding or packing in which he proposes to engage.

(d) The experience which he considers as qualifying him for the type or types of guiding or packing he proposes to conduct.

(e) The nature and amount of the equipment, vehicles, animals, and other property he proposes to use in his operations.

(f) Such other information and matters as the department may require.

2538. If the applicant proposes to furnish transportation, the application shall show the location of the headquarters from which the applicant proposes to operate.

Grazing permit

2539. If the licensee is to operate with pack or riding animals in any area in which a grazing permit is required, the license shall not be valid unless the holder thereof has a valid grazing permit for the area.

2540. The license fee shall be ten dollars ($10), and the license shall be valid for the fiscal year in which issued or, if issued after the beginning of a fiscal year, for the remainder thereof. Fee and validation of license

2541. The provisions of this chapter do not apply to persons owning boats or vessels who for profit permit persons to fish therefrom and who hold licenses issued pursuant to Section 7920, as long as their activities are confined to matters within the scope of their licenses. Exceptions

DIVISION 4. BIRDS AND MAMMALS

PART 1. PROVISIONS GENERALLY APPLICABLE TO BOTH

CHAPTER 1. GENERAL PROVISIONS

Article 1. Methods of Taking

3000. It is unlawful to take any bird or mammal, other than nonprotected birds and mammals between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking, except as otherwise provided. Night taking

(Amended by Stats. 1957, Ch 1972)

[ORIGINAL SECTION]

3000. It is unlawful to take any bird or mammal, other than predatory birds and mammals, between one-half hour after sunset and one-half hour before sunrise of the following day at the place of taking, except as otherwise provided

3001. It is unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated. Intoxication

3002. It is unlawful to shoot at any game bird or mammal, except whales and seals and sea lions as provided in Section 4500, from a powerboat, sailboat, motor vehicle, or airplane. Shooting from boats, etc

3003. It is unlawful to drive or herd birds or mammals by airplane without a permit from the department, issued under such regulations as the commission may prescribe, except that the use of airplanes in the pursuit of agriculture is exempt from the provisions of this section. Herding by airplane

3004. It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to hunt or to discharge while hunting, any firearm or other deadly weapon within 150 yards of any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith. The 150-yard area is a "safety zone." Hunting near dwelling, etc

3005. It is unlawful to take birds or mammals with any net, pound, cage, trap, set line or wire, or poisonous substance, or to possess birds or mammals so taken, whether taken within or without this State. Nets, poisons, etc

Proof of possession of any bird or mammal which does not show evidence of having been taken by means other than a net, pound, cage, trap, set line or wire, or poisonous substance, is prima facie evidence that the birds or mammals were taken in violation of the provisions of this section.

This section does not apply to the lawful taking of fur-bearing mammals, nonprotected birds, nonprotected mammals, or mammals found to be injuring crops or property, nor to the taking of birds or mammals under depredation permits, nor to taking by employees of the department acting in an official capacity or holders of a scientific or propagation permit acting in accordance with the conditions of the permit.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3005. It is unlawful to take birds or mammals with any net, pound, cage, trap, set line or wire, or poisonous substance, or to possess birds or mammals so taken, whether taken within or without this State.

Proof of possession of any bird or mammal which does not show evidence of having been taken by means other than a net, pound, cage, trap, set line or wire, or poisonous substance, is prima facie evidence that the birds or mammals were taken in violation of the provisions of this section.

This section does not apply to the lawful taking of fur-bearing mammals, predatory birds, predatory mammals, or mammals found to be injuring crops or property, nor to the taking of birds or mammals under depredation permits, nor to taking by employees of the department acting in an official capacity or holders of a scientific collector's permit acting in accordance with the conditions of the permit

Captive deer, elk, bear

3006. Except as authorized under a domesticated game breeder's license, any deer, elk, or bear kept in captivity may be killed only with the approval of the department, and under such regulations as the commission may prescribe. The carcass, or any part thereof, of any such mammal may not be sold, and shall be disposed of in such manner as the department may direct.

License

3007. Every person who takes any bird or mammal, other than a predatory bird or mammal, shall procure a license or permit therefor.

Article 2. Hunting Licenses

Hunting license

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of four dollars ($4).

(b) To any citizen of the United States, under the age of 16 years, who is a resident of this State, upon the payment of one dollar ($1).

(c) To any citizen of the United States, not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To any person, not a citizen of the United States, upon the payment of fifty dollars ($50).

(e) To the wife of any veteran, as defined in Sections 800 or 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

The amendments to this section shall become operative on July 1, 1958.

(Amended by Stats. 1957, Ch. 1887.)

[ORIGINAL SECTION]

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3).

(b) To any citizen of the United States, under the age of 16 years, who is a resident of this State, upon the payment of one dollar ($1)

(c) To any citizen of the United States, not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To any person, not a citizen of the United States, upon the payment of fifty dollars ($50).

(e) To the wife of any veteran, as defined in Section 800 or 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien

Age

3032. No hunting license shall be issued to any person under the age of 16 years unless he presents to the person authorized to issue such license either (a) evidence that he has held a hunting license issued by this State in a prior year or (b) a certificate of competency as provided in this section.

The department shall provide for a course of instruction in the safe handling of firearms, and for the purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of safety in the handling of firearms.

The department may designate any person found by it to be competent to give instructions in the handling of firearms to persons under the age of 16 years. A person so appointed shall give such course of instruction, and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the safe handling of firearms.

Handling of firearms

3033. The department shall furnish information on the safe handling of firearms which shall be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue such licenses.

Licenses

3034. Licenses granting the privilege to take birds or mammals shall be issued and delivered, upon application in writing, by the department, or by any person appointed and authorized by the department

Detachable tags

3035. The form of the license shall be such as to incorporate detachable tags which shall serve as shipping permits when detached from the license. Shipping tags shall be nontransferable, and each tag shall entitle the holder of the hunting license to which it is attached to ship by common carrier one legal daily possession limit of the birds or mammals specified thereon. Shipping tags shall be in such form and number as the commission may prescribe but shall be sufficient to allow each licensee during the license year to ship not less than two

legal daily possession limits of doves, two legal daily possession limits of quail, and one legal daily possession limit of pheasants.

Disabled veterans

3036. A veteran, having 70 percent or greater disability, of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, and proof of service-connected 70 percent or greater disability certification from the Veterans Administration, shall be entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and shall be entitled to receive, free of charge, deer and pheasant license tags provided for in Sections 3652 and 4332.

As used in this section, "war" means that period of time commencing when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

(Amended by Stats. 1957, Ch. 2394.)

[ORIGINAL SECTION]

3036. A totally disabled veteran of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, and proof of service-connected total disability certification from the Veterans Administration, shall be entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and shall be entitled to receive, free of charge, deer and pheasant license tags provided for in Sections 3652 and 4332.

As used in this section, "war" means that period of time commencing when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

Hunting license

3037. A hunting license authorizes the person to whom it is issued to take game birds and mammals, in accordance with law, for a term of one year from July 1st to June 30th, or, if issued after the beginning of such term, for the remainder of the term.

Article 3. Special Colorado River Hunting Licenses

Reciprocity

3060. The department, in conformity with such regulations as the commission may prescribe, may issue special Colorado River hunting licenses when the commission finds and determines that under the laws of the State of Arizona substantially similar licenses are authorized to be issued to licensees of the State of California upon substantially the same terms and conditions as are provided for in this article as to the issuance of licenses to licensees of the State of Arizona.

Arizona licenses

3061. A special Colorado River hunting license may be issued to any person holding a hunting license issued by the State of Arizona.

Privileges

3062. A special Colorado River hunting license shall entitle the holder thereof to take only migratory waterfowl and only in, on, or along the Colorado River in accordance with the applicable state and federal laws and regulations or orders made pursuant thereto.

Fee and validity

3063. The fee for a special Colorado River hunting license shall be two dollars ($2), and each such license shall be valid until the end of the calendar year in which it is issued

Article 4. Possession of Birds and Mammals After Season

Tagging

3080. Any game bird or mammal may be possessed during a period other than the open season where taken and 10 days thereafter, if the carcass, or part thereof, is tagged in conformity with the regulations of the commission. The commission shall prescribe the type of tag to be used, which shall be of such construction and method of attachment that it cannot be removed without mutilating or defacing an essential part thereof.

The provisions of this section shall not apply to the possession of deer or deer meat, nor to pheasants legally taken to which there is attached a valid license tag.

Meat tagged in conformity with Section 3081 may be possessed at any time.

Not more than the possession limit for the species in the area where taken may be possessed at one time by any person under the provisions of this section which provide for the tagging of birds and mammals.

Nothing in this section authorizes the possession of game birds or carcasses or parts thereof contrary to regulations issued pursuant to the Migratory Bird Treaty Act.

Deer, elk, antelope meat

3081. It is unlawful to possess deer, elk, or antelope meat except as follows:

(a) During the open season where taken and for 15 days following the last day when such mammals may be legally taken in the area where taken.

(b) At any time if marked pursuant to regulations established by the commission. The commission shall make such regulations, and may fix a fee for marking such meat not to exceed one dollar ($1) per carcass.

Pheasant

3082. Any pheasant legally taken to which a valid license tag is attached may be possessed during the season and until the last day prior to the opening of the next season.

Cold storage plants

3083. All cold storage plants and frozen food locker plants in which game birds or mammals are stored beyond the open season, under a permit, shall be bonded in an amount to be determined by the department. The bond shall be conditioned upon the payment to the department of the amounts required to be remitted to it pursuant to Section 3085. The premium for such bond shall be paid by the department out of any money available for the support of the department.

Storage permits

3084. The department shall designate and authorize a person or persons in each bonded plant to issue permits for the storage beyond the open season where such game birds or mammals were taken; and to collect lawful fees to be paid in connection with, and stamps or tags to be affixed to, the birds or mammals. Such permit forms, stamps, tags, or other materials as may be required for the enforcement of this section shall be supplied by the department.

Fees

3085. Bonded cold storage plants and bonded frozen food locker plants may retain one-half of all legal fees received for their services in marking game birds or mammals deposited with them for storage in such plants, and shall remit one-half of such fees to the department at such time or times as the department may determine.

Records

3086. Bonded cold storage plants and bonded frozen food locker plants shall make and keep a complete detailed record of all game birds or mammals stored in such plants. A record of each game bird or mammal shall be made at the time it is received at the plant for storage.

The record shall be open for inspection at all times by wardens of the department.

CHAPTER 2. COMMERCIAL ACTIVITIES

Article 1. Domesticated Game Breeding

Game breeder's license

3200. Any person engaged in raising or importing, or who keeps in captivity, in this State domesticated game birds or mammals which normally exist in the wild in this State shall procure a domesticated game breeder's license if the birds or mammals are kept more than 30 days after acquisition. No such license is, however, required of any of the following:

(a) Licensed pheasant clubs, except to the extent provided in Section 3283.

(b) Keepers of hotels, restaurants, boardinghouses, or clubs serving the meat of such birds or mammals for actual consumption on the premises.

(c) Retail meat dealers selling such meat to customers for actual consumption.

Sale of carcasses

3201. No person shall sell the carcass of any domesticated game bird or mammal without first obtaining a domesticated game breeder's license from the department. The department may issue such a license upon such terms and conditions as the commission may prescribe, and the commission may at any time revoke such a license for sufficient cause in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.

Classes of licenses

3202. There are two classes of domesticated game breeder's licenses, designated "Class 1" and "Class 2."

(a) A Class 1 domesticated game breeder's license authorizes the licensee to engage in all domesticated game breeding activities, except that not more than one hundred seventy-five

(175) Chinese ringneck or Mongolian ringneck pheasants, or both, or hybrids thereof, may be sold under a Class 1 license.

(b) A Class 2 domesticated game breeder's license is required in order to sell more than one hundred seventy-five (175) Chinese ringneck or Mongolian ringneck pheasants, or both, or hybrids thereof, and entitles the licensee to all the rights and privileges of a Class 1 license.

Fees

3203. The department shall issue a Class 1 domesticated game breeder's license upon the payment of a fee of five dollars ($5), and a Class 2 domesticated game breeder's license upon the payment of a fee of twenty-five dollars ($25).

Display and validity

3204. Licenses issued under the provisions of this article are valid for a term of one year from January 1st, or, if issued after the beginning of such term, for the remainder thereof.

A domesticated game breeder's license shall be conspicuously displayed on the property where the birds or mammals are held in captivity.

Carriers for hire

3205. Carriers for hire may carry within the State live domesticated game birds and mammals upon such terms and conditions as the commission may prescribe.

Tagging

3206. No domesticated game bird or mammal shall be transported or sold dead unless each quarter and each loin of the carcass of each large mammal, the carcass of each bird, except as provided in Section 2401 for a domesticated game bird raised outside this State, and the carcass of each small mammal is tagged with a domesticated game breeder's tag or seal. The tag or seal shall not be removed until such quarter, loin, or carcass is prepared for consumption.

No tag so affixed shall be used again.

No tag or seal shall be sold by the department to anyone other than a person who is legally in possession of domesticated game.

Fees

3207. The department shall collect three cents ($0.03) for each tag or seal.

Licensee's report

3208. On or before January 31st of each year, every person to whom a domesticated game breeder's license has been issued shall report the following to the department on a form provided by the department:

(a) The total number of each species of game birds and mammals killed, sold, or shipped during the preceding year.

(b) The names of the persons to whom such game birds or mammals were sold or shipped.

(c) The name of the person in whose presence such game birds or mammals were tagged

(d) A complete list of the game birds and mammals held in his possession at the time the report is made.

Such report shall be verified by the affidavit of the licensee.

3209. (Repealed by Stats. 1957, Ch. 1083.)

[ORIGINAL SECTION]

3209 Every person, other than a licensed domesticated game breeder, who affixes a tag to the carcass of a game bird or small mammal shall, within five days thereafter, make and file with the department a written

report thereof, stating the name of the person by whom such game bird or mammal was bred or raised and killed, the number of each species killed, and the name of the purchaser or consignee.

3210. (Repealed by Stats. 1957, Ch. 1083.)

[ORIGINAL SECTION]

3210. Every domesticated game breeder shall make a written report to the department, on a form supplied or approved by the department, of every sale, gift, or exchange of any game bird or the eggs thereof, and of every mammal, within 30 days of any such sale, gift, or exchange. Such report shall contain a statement of the number and species of the game bird, eggs, or mammal sold, given, or exchanged, the name of the person to whom sold, given, or exchanged, and the date thereof, and shall be signed by the licensee.

Restaurants, hotels, etc

3212. The keeper of a hotel, restaurant, boardinghouse, or club may sell portions of a quarter or loin of a large mammal, or the carcass of a game bird or mammal raised or imported under a domesticated game breeder's license, to a patron for actual consumption on the premises only, and no license for that purpose shall be required of such keeper or club. All keepers of hotels, restaurants, boardinghouses, or clubs who sell any such game for consumption to a patron shall be required to submit to the inspection of their premises by the department and shall display for such inspection any carcass or parts thereof held in storage for sale. All such game shall be tagged under Section 3206.

Retail meat dealers

3213. A retail meat dealer may, without a license, sell portions of a quarter or loin of a large mammal or the carcass of a game bird or mammal raised or imported under a domesticated game breeder's license to a customer for actual consumption.

Retail dealers shall submit their premises to inspection by the department, and shall display at any authorized inspection any carcass or parts thereof held by them in storage. Such game meat or carcasses shall be tagged under Section 3206.

Deer breeding preserves

3214. A preserve used for the breeding of deer shall be surrounded by a fence of wire or other material of a pattern to be approved by the department, and at least seven feet in height.

Method of killing

3216. All domesticated game birds and mammals, excepting deer, sold under the provisions of this article, shall be killed otherwise than by shooting. This section does not apply to licensed pheasant clubs or to the training or practice of hunting dogs.

Presumption

3217. The carcass of a game bird which shows that it has been killed by shooting shall constitute prima facie evidence that it was not a domesticated game bird. The fact that the bird has been tagged in accordance with Section 3206 of this code shall not alter this presumption.

Revocation of licenses

3218. Any license issued under the provisions of this article may be revoked by the commission in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division

3, Title 2 of the Government Code upon conviction of the licensee of a violation of any provision of this code, and no similar license may be issued to the licensee during the same license year.

Reindeer

3219. Domesticated reindeer may be imported into this State and sold only in accordance with regulations which the commission may prescribe.

Article 2. Commercial Hunting Clubs

Club license

3240. Every person in possession of property who imposes or collects a fee for the privilege of taking birds or mammals thereon is maintaining a commercial hunting club, and shall procure a "commercial hunting club license"; and every person who operates or assists in operating such property, or guides or otherwise assists hunters thereon, shall procure a "commercial hunting club operator's license."

This article does not apply to any licensed pheasant club.

3241. Hunting clubs maintained and operated exclusively by the regular members thereof are not included under the provisions of this article if no fees are imposed upon or collected from guests for the privilege of hunting on the property.

Issuance, fee, etc

3242. (a) A commercial hunting club license shall be issued to any of the following:

(1) To any citizen of the United States, upon the payment of twenty-five dollars ($25).

(2) To any person not a citizen of the United States, upon the payment of one hundred dollars ($100).

(b) A commercial hunting club operator's license shall be issued:

(1) To any citizen of the United States, upon the payment of five dollars ($5).

(2) To any person, not a citizen of the United States, upon the payment of twenty-five dollars ($25).

Application

3243. Every person applying for a commercial hunting club license shall furnish to the department:

(a) The names of all persons financially interested in the club for which a license is desired.

(b) A list of the officers and shareholders, if the club is a corporation.

(c) A written description of all lands, or lands and water, that are owned or leased or that are to be maintained, wholly or in part, for the purposes of the club.

He shall also state when fees are to be imposed, assessed, or collected.

Hunting license

3244. Every person applying for a commercial hunting club operator's license shall first have procured a hunting license for the current license year.

Validity

3245. Commercial hunting club licenses and commercial hunting club operator's licenses are valid for a term of one year from July 1st, or, if issued after the beginning of such term, for the remainder thereof. A license authorizes the per-

son to whom it is issued to maintain, or to operate or assist in operating, a hunting club, as the case may be, in accordance with the provisions of this code and such regulations as the commission may prescribe.

Revocation

3246. Any license issued under the provisions of this article may be revoked by the commission in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, or by a court of competent jurisdiction, upon the licensee's conviction of a violation of any provision of this code, and no new license may be issued to the licensee during the same license year.

Article 3. Licensed Pheasant Clubs

License

3270. 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 department for a commercial licensed pheasant club license authorizing the killing by shooting of only pheasants upon such land in accordance with the provisions of this article and the regulations of the commission for the administration of this article.

Commercial club

3271. A commercial licensed pheasant club is a club which is open to any member of the general public on a daily fee basis. Such a club shall be open to any licensed hunter on shooting days upon payment of the fee or charge set forth in its license application filed with the department. The licensee shall on each such day allow on the land as to which it owns or controls shooting rights at least one hunter for each 50 acres, if the number of pheasants remaining to be legally taken on such premises is equal to or exceeds one legal limit for each permittee.

The licensee shall provide for at least three shooting days per week, including Saturday and Sunday.

Private clubs

3272. A private licensed pheasant club is a club in which membership is restricted at the discretion of the operator.

A private licensed pheasant club shall not exceed 1,500 acres within the exterior boundaries of the licensed area.

Regulations

3273. The commission shall prescribe regulations for the conduct of hunters on the premises of a licensed pheasant club in the interest of safety of hunters, to prevent wastage of birds or mammals, and to promote orderly operation of the club.

Application

3274. An application for a licensed pheasant club shall show the following:

(a) The name and address of the applicant.

(b) Whether the application is for a commercial or private license.

(c) The legal description of the tract of land, and a description by exterior boundaries of the tract with reference insofar as possible to roads, rivers, railroads, or natural boundaries.

(d) Whether the applicant proposes to propagate and rear the pheasants to be released, and if so, the location or proposed location where the pheasants are to be propagated and reared.

(e) Whether the applicant proposes to purchase pheasants for release.

(f) The fee to be charged in the case of a commercial club.

(g) Such other information as the commission may require.

Daily permit

3275. A hunter using any licensed pheasant club shall have a daily permit in his possession when hunting on the premises of such club.

3276. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

Zone A

(a) Zone A consists of the following areas: the 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 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, excepting therefrom those portions of Townships 9 E.-9 S.; 10 E.-9 S ; 9 E.-10 S.; 10 E.-10 S.; 11 E.-10 S.; 9 E.-11 S.; 10 E.-11 S.; 11 E.-11 S.; 9 E.-12 S.; 10 E.-12 S.; 11 E.-12 S.; 9 E.-13 S.; 10 E -13 S.; and 11 E.-13 S., S. B. B. & M. lying within the above boundary.

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. $\frac{1}{4}$ of T. 5 S., R. 23 E ; SE. $\frac{1}{4}$ of T. 6 S., R. 22 E.; all of T. 7 S., R. 22 E.; E. $\frac{1}{2}$ of T. 7 S., R. 21 E.; and E. $\frac{1}{2}$ of T. 8 S., R. 21 E. in eastern Riverside County; and those portions of the E. $\frac{1}{2}$ 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. $\frac{1}{2}$ of T. 3 S., R. 6 W.; SW. $\frac{1}{4}$ of T. 2 S , R. 6 W.; S. $\frac{1}{2}$ of T. 2 S , R. 7 W.; SE. $\frac{1}{4}$ 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 Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U. S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through 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. $\frac{1}{4}$ of T. 44 N., R. 10 W.; the S. $\frac{1}{2}$ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. $\frac{1}{4}$ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. $\frac{1}{2}$ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. $\frac{1}{4}$ of T. 46 N., R. 5 W.; the SE. $\frac{1}{4}$ of T. 46 N., R. 6 W.; the NW. $\frac{1}{4}$ of T. 45 N., R. 5 W.; the S. $\frac{1}{2}$ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. $\frac{1}{2}$ 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. $\frac{1}{4}$ 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. $\frac{1}{2}$ 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. $\frac{1}{2}$ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. $\frac{1}{2}$ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. $\frac{1}{2}$ of T. 44 N., R. 12 E.; the E. $\frac{1}{2}$ 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. $\frac{1}{2}$ of T. 42 N., R. 10 E.; the SE. $\frac{1}{4}$ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N, R. 12 E, and of T. 41 N., R.

11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence 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 known as Zone A licensees

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees. Zone B

(Amended by Stats 1957, Ch. 1497.)

[ORIGINAL SECTION]

3276. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas: the 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 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 Counties 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 Sayona; 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 beginning This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T 38 N., R 5 E and T 38 N., R 4 E., the E ½ of T 38 N, R 3 E; all of T 37 N., R 5 E; the E. ½ of T. 37 N., R. 4 E This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R 17 E., thence 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 known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

NOTE: This section was also amended by Stats. 1957, Ch. 120, as follows:

3276. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas: the 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 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, excepting therefrom those portions of Townships 9 E.-9 S.; 10 E.-9 S.; 9 E.-10 S.; 10 E.-10 S., 11 E.-10 S.; 9 E.-11 S.; 10 E.-11 S.; 11 E.-11 S.; 9 E.-12 S.; 10 E.-12 S.; 11 E.-12 S.; 9 E.-13 S.; 10 E.-13 S.; and 11 E.-13 S., S. B. B. & M. lying within the above boundary.

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 Counties 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 beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin

McArthur Area (Lassen County); all of T 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E ½ of T. 38 N, R. 3 E; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N, R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N, R 17 E; thence 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 known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

Zone A season

3277. The season during which shooting is to be permitted upon any 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 pheasants which may be taken on the premises shall not exceed 65 percent of the pheasants released from August 1st, to five days prior to the licensed pheasant club season, plus 80 percent of the pheasants released during,

and within five days prior to, the opening of, such season. However, pheasants one year of age or older may be released during the period from July 1st to five days prior to the licensed pheasant club season, and a shooting quota of 65 percent shall be allowed for such pheasants.

Zone B season

3278. The season during which shooting is to be permitted upon any licensed premises in Zone B shall be for a period of six consecutive calendar months beginning on September 1st. The total number of pheasants which may be taken on the premises shall not exceed the number of pheasants released thereon during the license year.

Distance between clubs

3279. There shall be at least a one-half mile distance between licensed pheasant clubs; but any 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.

Pheasant club license

3280. If the commission is satisfied, after investigation, that a tract is suitable for the purposes of a licensed pheasant club, and that the establishment of such a club will not conflict with the public interest, it may approve the issuance of a commercial licensed pheasant club license upon the payment of a license fee of one hundred dollars ($100), or a private licensed pheasant 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. The license shall be issued for a term of one year from March 1st or, if issued after the beginning of such period, for the remainder thereof.

Privileges

3281. The license shall authorize the licensee to shoot, or permit to be shot, legally propagated pheasants upon the premises for which the license is issued.

The licensee may fix a daily bag limit of not to exceed six pheasants.

No person hunting on the premises of a licensed pheasant club shall kill more than six pheasants in any one day, regardless of the number of clubs on whose premises he hunts.

Propagation, and release

3282. A licensee shall propagate and rear, or otherwise acquire, and release upon its premises pheasants at the rate of not less than one pheasant per three acres if a private licensed pheasant club and not less than one pheasant per five acres if a commercial licensed pheasant club.

At least 50 percent of the total number of pheasants 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 pheasant season. Such pheasants at the time of release shall be full-winged and otherwise in condition to go wild. The commission may authorize the collection of an inspection fee not to exceed five cents ($0.05) per pheasant for inspections necessary to insure the proper condition of the pheasants to be released

Exemptions

3283. Licensees under this article are not subject to regulations relating to the taking of wild pheasants issued pur-

suant to Section 203 of this code nor to the provisions of this code relating to commercial hunting clubs or domesticated game breeders, nor any regulations of the commission promulgated thereunder, except as to pheasants reared in confinement to be sold alive or dead for transportation elsewhere.

Signs

3284. The holder of a pheasant club license shall post his property on the exterior boundary at intervals of not more than 500 feet with signs of a size not less than 12 by 18 inches. The signs shall include the name of the person holding the license and the words: "commercial licensed pheasant club," or "private licensed pheasant club—authorized under regulations of the Fish and Game Commission—no trespassing." The words "commercial licensed pheasant club," or "private licensed pheasant club," shall be printed no smaller than 12-line (two-inch high) gothic type. The phrase "authorized under regulations of the Fish and Game Commission," shall be no smaller than 36-point type and no larger than 48-point type. The words "no trespassing," shall be no smaller than 12-line (two-inch high) gothic type. These signs shall be visible at least twenty-five (25) feet from the boundaries of such club. The department shall not furnish such signs.

(Amended by Stats. 1957, Ch. 573.)

[ORIGINAL SECTION]

3284. The holder of a pheasant club license shall post his property on the exterior boundary at intervals of not more than 500 feet with signs of a size not less than 12 by 18 inches. The signs shall include the name of the person holding the license and the words "Commercial Licensed Pheasant Club," or "Private Licensed Pheasant Club—Authorized Under Regulations of the Fish and Game Commission—No Trespassing."

Club fees

3285. The licensee of a commercial licensed pheasant club may charge a fee to include a daily permit fee not to exceed eighteen dollars ($18) and a pheasant fee not to exceed six dollars ($6) per pheasant. The daily permit fee shall be applied on the charge for pheasants taken. The amount of such fee shall be stated in the application for the license, in the license, and in the permit issued by the licensee to each hunter.

Hunting dogs

3286. Each hunter shall be accompanied by a trained bird or retrieving dog, except that one dog may be used for each two or three persons when hunting in a group.

Certification

3287. Until the department certifies that the provisions of this article and the regulations of the commission have been complied with, it is unlawful to shoot, attempt to shoot, or otherwise to take any pheasant on the premises of any licensed pheasant club.

No pheasant taken under this article shall be removed from the premises until there is securely attached to the pheasant a licensed pheasant club seal, and such seal shall remain attached to the pheasant until it is finally prepared for consumption. Each such seal shall be supplied by the department at a fee set by the commission not to exceed five cents ($0.05).

Removal of game

3288. No live pheasant nor any pheasant killed in any manner other than by shooting shall be removed from the premises of any licensed pheasant club under this article, and it shall be unlawful to sell or to buy or attempt to buy any pheasants taken from such club, but this article shall not be construed to prohibit the leasing of hunting privileges on any such premises. The lessee, however, is bound by the provisions of this article and the applicable regulations of the commission.

Same For propagation

3289. The commission may authorize the capture of pheasants on the premises of a licensed pheasant club to be used for propagation purposes. Such pheasants when released shall not be counted when computing the number of pheasants which may be lawfully taken on the premises under the license.

Disease

3290. To prevent the spread of disease the commission may require proper care and sanitary conditions on the premises of a licensed pheasant club or any premises where pheasants are raised for release.

Revocation

3291. If after a hearing the commission finds that there has been any fraud, misrepresentation, or lack of good faith in connection with a license issued pursuant to this article or any operations under it, the commission may revoke the license. Proceedings to revoke a license shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

PART 2. BIRDS

CHAPTER 1. GENERAL PROVISIONS

Game birds

3500. Resident game birds are: Chinese spotted doves, ringed turtledoves of the family Columbidae, California quail and varieties thereof, Gambel or desert quail, mountain quail and varieties thereof, sooty or blue grouse and varieties thereof, ruffed grouse, sage hens and sage grouse, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galiformes.

Migratory game birds are: ducks and geese, coots and gallinules, jacksnipe, western mourning doves, white-winged doves and band-tailed pigeons.

References in this code to "game birds" means both resident game birds and migratory game birds.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3500 The following are game birds, the family Anatidae (geese, ducks, and swans), the family Rallidae (coots or mud hens, gallinules, rails); the family Columbidae (doves, pigeons); the family Gruidae (cranes); the order Limicolae (shore birds, surf birds, plover, sandpipers, tatlers, curlews), the order Gallinae (quail, grouse, sage hens, prairie chickens, partridge, pheasants wild turkeys)

All other birds native to North America, except predatory birds, are nongame birds.

Unlawful takings Methods

3501. It is unlawful to use any powerboat, motor vehicle, or airplane to drive any game bird toward another person with the intent that the other person shall take the bird.

3502. It is unlawful to use any mammal (except a dog) or an imitation of a mammal as a blind in approaching or taking game birds.

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any game bird or nongame bird.

3504. Subject to the provisions of this code permitting the sale of domestically raised game birds, it is unlawful to sell or purchase any game bird or nongame bird.

3505. It is unlawful to take, sell, or purchase any aigrette or egret, osprey, bird of paradise, goura, numidi, or any part of such a bird.

3506. (Repealed by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3506. It is unlawful to train falcons by the use of pigeons

Protected birds

3507. Protected nongame birds not covered by the Migratory Bird Treaty Act which are found to be injuring growing crops or property may be killed by the owner or tenant of the premises at any time. Protected nongame birds shall not be transported out of the State or sold except under scientific or propagation permits.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3507. It is unlawful to take or possess any nongame bird except under written permit issued by the department. Such birds shall not be transported out of the State or sold

Exotic species of birds, the importation of which is not prohibited by state or federal law, may be possessed or sold without permit

3508. (Repealed by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3508. Notwithstanding any other provision of law, it is unlawful to take any condor at any time or in any manner.

Training dogs

3509. It is unlawful for any person to break, train, or practice any dog upon any game birds during their respective closed season; except that it is lawful, between the hours of sunrise and sunset, to train or practice dogs on game birds between July 1st and March 31st if the birds, other than domesticated birds, are not killed, captured, or injured.

Same: Use of birds

3510. Whenever legally acquired domesticated game birds are used for the training of hunting dogs or in the holding of field trials, such birds may be lawfully taken if the person taking the birds has a valid hunting license.

All domesticated game birds used in a field trial shall be inspected and leg-banded by a representative of the department before the birds are released. The releasing of any domesticated game birds shall be under the supervision of a representative of the department.

Fully protected birds

3511. Fully protected birds are: California condors (Gymnogyps californianus); bald eagles (Haliaeetus leucocephalus); white-tailed kites (Elanus leucurus); trumpeter swans (Cygnus buccinator).

Fully protected birds may not be taken at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permit or license heretofore issued shall have any force or effect for any such purpose.

(Added by Stats. 1957, Ch. 1972.)

Protected birds

3512. All birds occurring naturally in California which are not resident game birds, migratory game birds, nonprotected birds, or fully protected birds, are protected nongame birds.

(Added by Stats. 1957, Ch. 1972.)

Migratory nongame birds

3513. It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

(Added by Stats. 1957, Ch. 1972.)

CHAPTER 2. PARTICULAR VARIETIES

Article 1. Pheasants

License tags

3651. Except as provided in Sections 3270 to 3291 and in Sections 3509 and 3510, it is unlawful to take any wild pheasants without first procuring pheasant license tags.

Procurement

3652. Any person who possesses a valid hunting license may, upon payment of two dollars ($2), procure the number of pheasant license tags corresponding to the number of pheasants that may be legally taken by one person during the then current license year.

The amendments to this section shall become operative with the issuance of pheasant tags for the 1957 pheasant season.

(Amended by Stats. 1957, Ch. 1887.)

[ORIGINAL SECTION]

3652. Any person who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of pheasant license tags corresponding to the number of pheasants that may be legally taken by one person during the then current license year

Validity

3653. Pheasant license tags are valid only during that portion of the current hunting license year in which pheasants may be legally taken or possessed.

Possession

3658. The holder of pheasant license tags shall carry the tags while hunting pheasants, and upon the taking of any pheasant shall immediately punch out the date of kill on one of the tags and attach the punched tag around the leg of the pheasant. The tag shall remain attached to the pheasant while being transported and until prepared for consumption.

Violations

3659. The possession of any wild pheasant without a valid pheasant license tag or licensed pheasant club seal attached is unlawful.

Any person to whom pheasant license tags have been issued who violates any provision of this code shall forfeit such tags, and no new pheasant license tags may be issued to him during the then current license year for hunting licenses.

Possession of carcass

3660. It is unlawful for any person to have in his possession the carcass, in such condition that the sex or species cannot be easily determined, of any pheasant while in the field or forest or while upon any highway, train, car, boat, or other conveyance when returning from any hunting trip with gun or other hunting equipment.

Article 2. Other Species

Homing pigeons

3680 Any person, other than the owner thereof, who at any time, by any means or in any manner, takes any Antwerp or homing pigeon is guilty of a misdemeanor. However, during the open legal season on bandtailed pigeons, the taking of Antwerp or homing pigeons incidentally with the shooting or taking of wild bandtailed pigeons, is not a violation of this section.

Scull boats

3681. In Districts 8 and 9, it is unlawful to take ducks or geese in any manner below the incoming or outgoing tidewater's edge or from any blind, boat, floating device, island, islet, or exposed tidal flat except on Saturdays, Sundays, Wednesdays, holidays and the opening and closing days during the prescribed open season except that the use of boats is permitted to retrieve crippled or dead birds.

(Amended by Stats. 1957, Ch. 1122.)

[ORIGINAL SECTION]

3681 In Districts 8 and 9, it is unlawful to take ducks or geese from a scull boat except on Wednesdays and Sundays during the open season.

Chapter 3. Nonprotected Birds

(The heading of Chapter 3 amended by Stats. 1957, Ch. 1972.)

[ORIGINAL HEADING]

Chapter 3. Predatory Birds

Nonprotected birds

3800. Nonprotected birds are: English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(Amended by Stats. 1957, Ch 1972.)

[ORIGINAL SECTION]

3800. The following are predatory birds: blue jay, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's

hawk, duck hawk, house finch (commonly known as California linnet), crow, black-billed magpie, shrike or butcher bird, white pelican, shag or cormorant, and, in Districts 1, 2, 3, 4, and 4¾, blackbirds.

Taking

3801. Nonprotected birds may be taken at any time. If they are found to be injuring growing crops or property, they may be taken in any manner by the owner or tenant of the premises. They may also be so taken by officers or employees of the California Department of Agriculture or by federal or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of that code.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3801. Predatory birds may be taken at any time. If they are found to be injuring growing crops or property, they may be taken in any manner by the owner or tenant of the premises. They may also be so taken by federal, state, or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of that code.

Control measures

3802. The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control or eradication of predatory birds, and for that purpose may expend any money made available to the department for expenditure for the control or eradication of predatory birds.

3803. The department may take any bird which, in its opinion, is unduly preying upon any bird, mammal, or fish.

3804. (Repealed by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

3804. Nongame birds which are found to be injuring growing crops or property may be killed by the owner or tenant of the premises. Such birds may not be transported or sold.

Bounties: Crows, magpies

3805. Under such regulations as the commission may prescribe, the department shall pay a bounty of fifteen cents ($0.15) each on crows taken within the State and a bounty of ten cents ($0.10) each on black-billed magpies so taken. If the commission so provides, payments may be made through county clerks or other local officers, and all such payments and expenses connected therewith shall be paid from the Fish and Game Preservation Fund.

Feeding migratory game birds

3806. In order to aid in relieving widespread waterfowl depredation of agricultural crops, the department may issue licenses under such regulations as the commission may prescribe to permit the feeding of migratory game birds. The commission may prescribe as an annual fee for such a license a sum not to exceed twenty-five dollars ($25).

PART 3. MAMMALS

CHAPTER 1. GAME MAMMALS
(Chapter 1 is added by Stats. 1957, Ch. 1972.)

Game mammals

3950. Game mammals are: deer (genus Odocoileus), elk (genus Cervus), prong-horned antelope (genus Antilocapra), feral pigs and European wild boars (genus Sus), black and brown or cinnamon bears (genus Euarctos), jack rabbits and varying hares (genus Lepus), cottontails, brush rabbits, pigmy rabbits (genus Sylvilagus), and tree squirrels (genus Sciurus and Tamiasciurus).

(Added by Stats. 1957, Ch. 1972.)

CHAPTER 2. FUR-BEARING MAMMALS
(The heading of Chapter 1 amended and renumbered by Stats. 1957, Ch. 1972.)

[ORIGINAL HEADING]

CHAPTER 1. FUR-BEARING MAMMALS

Fur-bearing mammals

4000. The following are fur-bearing mammals: pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, ringtailed cat, and muskrat.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4000. The following are fur-bearing mammals: pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kitfox, and muskrat.

Season

4001. Fur-bearing mammals may be taken between November 16th and the day before the last day of February.

Taking

4002. Fur-bearing mammals may be taken only with a trap, a firearm, poison under a proper permit, or with the use of dogs.

Poison

4003. It is unlawful to use poison to take fur-bearing mammals without a permit from the department. The department may issue such a permit upon a written application indicating the kind of poison desired to be used and the time and place of use.

Traps

4004. It is unlawful to use a trap with saw-toothed or spiked jaws to take fur-bearing mammals.

License

4005. Every person over the age of 18 years who takes fur-bearing mammals for profit shall procure a trapping license for that purpose.

4006. A trapping license shall be issued to any citizen of the United States upon the payment of one dollar ($1) and to any person not a citizen of the United States upon the payment of two dollars ($2).

Privileges

4007. A trapping license authorizes the person to whom it is issued to take, during the open season, fur-bearing mammals for profit for a term of one year from July 1st, or if

issued after the beginning of such term, for the remainder thereof.

Report

4008. Every person to whom a trapping license is issued shall, before July 1st following the term for which the license is issued, send the department a sworn statement showing the number of each kind of fur-bearing mammals taken and the names and addresses of the persons to whom they were shipped or sold. Unless this section is complied with, a new license shall not be issued.

Disturbing trap

4009. It is unlawful to remove or disturb the trap of any licensee while the trap is being used by him on public land or on land where he has permission to trap.

Exceptions

4010. The provisions of this chapter do not apply to, or prohibit the propagation of, fur-bearing mammals which are confined in accordance with the regulations of the commission.

Diseased mammals

4011. Fur-bearing mammals and game mammals when involved in dangerous disease outbreaks, may be taken by duly constituted federal officers of the United States Departments of Agriculture, Interior, and Public Health and state officers of the California Departments of Agriculture, Public Health, and Fish and Game.

(Added by Stats. 1957, Ch. 1972.)

CHAPTER 3. NONPROTECTED MAMMALS AND DEPREDATORS

(The heading of Chapter 2 amended and renumbered by Stats. 1957, Ch 1972.)

[ORIGINAL HEADING]

CHAPTER 2. PREDATORY MAMMALS AND DEPREDATORS

Article 1. Nonprotected Mammals

(The heading of Article 1 amended by Stats. 1957, Ch. 1972.)

[ORIGINAL HEADING]

Article 1. Predatory Mammals

Nonprotected mammals

4150. Nonprotected mammals are:

(a) Moles of the order Insectivora.

(b) The order Marsupialia (opossums).

(c) The order Rodentia (rats, mice and gophers, porcupines, etc.), excluding the species of the genus Sciurus and the genus Tamiasciurus (tree squirrels), the genus Glaucomys (flying squirrels), the genus Ondatra (muskrats), and the genus Castor (beavers).

(d) Coyotes of the family Canidae.

(e) Weasels and skunks of the family Mustelidae.

(f) Cougars and bobcats of the family Felidae.

Nonprotected mammals may be taken at any time.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4150. The following mammals are predatory mammals:

(a) The order Insectivora (moles, shrews).

(b) The order Marsupialia (opossums).

(c) The order Rodentia (rats, mice and gophers), excluding native species of the genus Sciurus (tree squirrels), the genus Glaucomys (flying squirrels) and the genus Castor (beavers)

(d) The family Canidae (wolves, coyotes, foxes).

(e) The family Procyonidae (ringtail cats, raccoons).

(f) The family Mustelidae (martens, fishers, wolverines, weasels, minks, skunks, badgers)

(g) The family Felidae (cougars, wildcats).

Cats

4151. Any cat found within the limits of any fish and game refuge is a nonprotected mammal, unless it is in the residence of its owner or upon the grounds of the owner adjacent to such residence.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4151. Any cat found within the limits of any fish and game refuge is a predatory mammal, unless it is in the residence of its owner or upon the grounds of the owner adjacent to such residence.

Taking when injuring crops

4152. Nonprotected mammals and black-tailed jack rabbits, muskrats, and red fox squirrels which are found to be injuring growing crops or other property may be taken at any time or in any manner by the owner or tenant of the premises. They may also be taken by officers or employees of the California Department of Agriculture or by federal, or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of that code.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4152. Predatory mammals, other than fur-bearing mammals, may be taken at any time, and predatory mammals and black-tailed jack rabbits which are found to be injuring growing crops or other property may be taken at any time or in any manner by the owner or tenant of the premises, or by federal, state, or county officers or employees when acting in their official capacities pursuant to the provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of that code

Cooperative control

4153. The department shall control and eradicate harmful nonprotected mammals, and for that purpose may enter into cooperative agreements with any agency of the State or the United States.

The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4153. The department shall control and eradicate harmful predatory mammals, and for that purpose may enter into cooperative agreements with any agency of the State or the United States.

The department may take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

4154. The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control or eradication of nonprotected mammals and for that purpose may

expend any money made available to the department for expenditure for control or eradication of nonprotected mammals.

(Amended by Stats. 1957, Ch. 1972.)

[ORIGINAL SECTION]

4154. The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control or eradication of predatory mammals and for that purpose may expend any money made available to the department for expenditure for control or eradication of predatory mammals.

Bounties Mountain lions

4155. The department shall pay a bounty of fifty dollars ($50) on each male mountain lion and sixty dollars ($60) on each female mountain lion taken in this State. The commission shall make such regulations as it deems necessary to assure that the animals for which such bounties are paid have been taken within this State. Payment of such bounties shall be made from the Fish and Game Preservation Fund.

Article 2. Depredators

Property damage

4180. Fur-bearing mammals which are injuring property may be taken at any time and in any manner.

Deer, elk, etc., special permits

4181. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by deer, elk, bear, beaver or wild boar, may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

(Amended by Stats. 1957, Ch. 463.)

[ORIGINAL SECTION]

4181. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by deer, elk, bear, or beaver may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

Beaver control area

4182. When it is demonstrated to the commission that beavers are damaging or destroying, or threatening to damage or destroy, agricultural lands, crops, levees, or other irrigation structures, the commission shall establish a beaver control area. The commission shall define the boundaries of such area and permit the taking of beavers therein for the immediate correction of the damage or destruction under regulations which will

allow the marketing of pelts until such time as the damage or destruction or threatened damage or destruction is abated.

Bears

4183. Nothing in this code prohibits an owner of livestock from protecting such livestock from depredations of bears, nor prohibits federal, state, or county trappers from killing or trapping bears when such bears are killing or molesting livestock.

Same: District 1½

4184. Notwithstanding any provision of this code, the owner of any livestock or timber, in person or by his agent, may, at any time, protect such livestock or timber from damage or threatened damage by bears by killing the bears by any method or means, except by use of poison. Any federal or state trapper may also kill bears at any time by any method or means, including the use of poison, when such bears are damaging or threatening damage to livestock or timber.

The provisions of this section apply only to that part of District 1½ lying within Humboldt County.

The commission shall not modify the provisions of this section by any regulation except that it may prescribe the method of setting any traps and of posting warning signs relating thereto.

Operative date

This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature.

(Amended by Stats. 1957, Ch. 368.)

[ORIGINAL SECTION]

4184. Notwithstanding any provision of this code, the owner of any livestock or timber, in person or by his agent, may, at any time, protect such livestock or timber from damage or threatened damage by bears by killing the bears by any method or means, except by use of poison. Any federal or state trapper may also kill bears at any time by any method or means, including the use of poison, when such bears are damaging or threatening damage to livestock or timber.

The provisions of this section apply only to that part of District 1½ lying within Humboldt County.

The commission shall not modify the provisions of this section by any regulation except that it may prescribe the method of setting any traps and of posting warning signs relating thereto.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

Same: San Bernardino and Riverside Counties

4185. In any district or part of a district within San Bernardino and Riverside Counties, bears may be taken at any time with any type of trap within a good and substantial fence, as such fence is described in Section 401 of the Agricultural Code, surrounding beehives, if no part of such fence is at a distance greater than 50 yards from a beehive, and if a conspicuous sign is posted and maintained at each entrance to the enclosed premises to give warning of the presence of the traps.

Rabbits

4186. Nothing in this code prohibits the owner or tenant of land, or any person authorized in writing by such owner or tenant, from taking cottontail or brush rabbits during any time of the year when damage to crops or forage is being experienced on such land. Any person other than the owner or

tenant of such land shall have in possession when transporting rabbits from such property written authority from the owner or tenant of land where such rabbits were taken. Rabbits taken under the provision of this code may not be sold.

Special deer hunting

4187. When a landowner or tenant applies for a permit under Section 4181, the commission, in lieu of such a permit, may, with the consent of or upon the request of the landowner or tenant, under appropriate regulations, issue permits to persons holding valid hunting licenses to take deer in sufficient numbers to stop the damage or threatened damage. The commission, prior to issuing permits to licensed hunters, shall investigate and determine the number of permits necessary and the territory involved and the dates of the hunting. The time and place where the permits will be issued, the number of permits to be issued, the date or dates hunting will be permitted, and the area open to hunting shall be published once in a paper of general circulation in the area, or if there is no such newspaper then posted in two public places most likely in the opinion of the commission to give notice to the public, at least two days prior to the issuing of the permits. The permits shall be issued, in the number predetermined as necessary, to the first person or persons who apply, in person, for the permits, show a valid hunting license, and pay two dollars ($2) for the permit. The holder of a permit may take one deer of either sex and on killing a deer shall immediately affix the permit to the deer and have the permit validated, as are license tags under Section 4341, prior to transporting such deer except for the purpose of taking it to the nearest officer authorized to countersign the permit. Any deer taken under this section shall be a bonus deer and shall not affect the permit holder's eligibility for any other permits or license tags. Nothing in this section shall be construed to authorize hunting on private land without first obtaining the permission of the owner or tenant in possession.

(Added by Stats. 1957, Ch. 2017)

Permit to kill burros

4187. Any owner or tenant of land or property that is being damaged or destroyed by burros may apply to the Department of Agriculture for a permit to kill such burros. The department, upon satisfactory evidence of such damage or destruction, shall issue a revocable permit for the taking of such burros under a permit. Burros so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the Department of Agriculture. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

(Added by Stats 1957, Ch. 1496.)

CHAPTER 4. DEER

(The heading of Chapter 3 is amended and renumbered by Stats. 1957, Ch. 1972.)

[ORIGINAL HEADING]
CHAPTER 3 DEER

Article 1. Taking Deer

Dogs

4300. It is unlawful to permit, or allow any dog to run, track, or trail any deer during the closed season.

Deer meat

4301. Subject to the provisions of this code permitting the sale of domestically raised game mammals, it is unlawful to sell or purchase any deer meat in this State.

Possession of hide, etc

4302. Any person taking any deer shall retain in his possession during the open season thereon, and for 10 days thereafter, the skin and that portion of the head which in adult males normally bears the antlers, and shall produce the skin and designated portion of the head upon the demand of any officer authorized to enforce the provisions of this code.

Skin or hide

4303. The skin or hide of any deer lawfully taken and possessed for the period specified in Section 4302, may be sold, purchased, tanned, or manufactured into articles for sale.

Notwithstanding the provisions of Section 4302, skins or hides of deer lawfully taken may be donated at 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 retained during the period specified in Section 4302.

Capture or destruction

4304. No person shall at any time capture or destroy any deer and detach or remove from the carcass only the head, hide, antlers, or horns; nor shall any person at any time leave through carelessness or neglect any deer which is in his possession, or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste.

Article 2. License Tags

Tags

4330. It is unlawful to take any deer without first procuring a deer license tag or permit authorizing the taking of such deer.

Area designation

4331. The deer license tags shall consist of two parts. The commission may cause to be designated on each tag the area in which the tag is valid. Whenever a deer license tag is designated for use in one area it shall be unlawful to use any other deer license tag in that area.

Procurement

4332. Any resident of this State 12 years of age or over who possesses a valid hunting license may, upon payment of two dollars ($2), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

Any nonresident of this State, or any noncitizen of the United States, 12 years of age or over, who possesses a valid

hunting license, may, upon payment of ten dollars ($10), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

The amendments to this section shall become operative with the issuance of the 1958 deer license tags.

(Amended by Stats. 1957, Ch 1887.)

[ORIGINAL SECTION]

4332. Any resident of this State 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year

Any nonresident of this State, or any noncitizen of the United States, 12 years of age or over, who possesses a valid hunting license, may, upon payment of ten dollars ($10), procure the number of license tags corresponding to the number of deer that may legally be taken by one person during the current license year.

Validity

4333. License tags are valid only during that portion of the current hunting license year in which deer may be taken or possessed in any area.

Use

4336. The holder of a deer license tag shall carry the tag while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the deer license tag must be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for ten (10) days thereafter. The other part of the tag shall be immediately sent to the department after it has been countersigned.

Except as otherwise provided, possession of any untagged deer shall be a violation of this section.

Forfeiture

4340. Any person who violates any provision of this article shall forfeit his deer license tags, and no new deer license tags may be issued to him during the then current license year for hunting licenses.

Countersignature

4341. Any person legally killing a deer in this State shall have the license tag countersigned by a person employed in the department, a person designated for this purpose by the commission, or by a justice of the peace, notary public, postmaster, peace officer, or an officer authorized to administer oaths, before transporting such deer, except for the purpose of taking it to the nearest person authorized to countersign the license tag, on the route being followed from the point where the deer is taken.

Article 3. Archery Deer Hunting

Season

4370. In every area in which deer may lawfully be taken during the regular open season there is an archery season for the taking of deer with bow and arrow. The season for each area shall be as the commission may prescribe, with a minimum interposing interval of three days immediately preceding the regular open season on deer in that area. No person taking

or attempting to take deer during such archery season shall carry, or have under his immediate control, any firearm of any kind.

Application

4371. The provisions of this code relating to deer shall be applicable to the taking of deer with bow and arrow.

CHAPTER 5. SEALS

(The heading of Chapter 4 is amended and renumbered by Stats. 1957, Ch 1972.)

[ORIGINAL HEADING]

CHAPTER 4. SEALS

Taking

4500. It is unlawful to take any seal or sea lion other than pursuant to such regulations as may be prescribed by the commission, except that any fisherman while engaged in fishing from a boat at sea may take any seal or sea lion which is damaging his nets, tackle, or fish. The department may reduce the seal or sea lion herds by humane methods whenever such a course is deemed advisable.

Scientific purposes

4501. The commission may permit the taking of seals or sea lions for scientific or exhibition purposes.

CHAPTER 6. BURROS

(The heading of Chapter 5 is amended and renumbered by Stats. 1957, Ch 1972.)

[ORIGINAL HEADING]

CHAPTER 5. BURROS

Undomesticated burro

4600. It is unlawful to kill, wound, capture, or have in possession any undomesticated burro, except as provided in this chapter or under a permit issued pursuant to Section 4187.

An undomesticated burro, for the purpose of this chapter, is a wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture. The fact that a burro was killed, wounded, or captured on publicly owned land, or on land owned by a person other than the person who killed, wounded, or captured the burro is prima facie evidence that the burro was an undomesticated burro at the time it was killed, wounded, or captured.

Neither the commission nor any other department or agency has any power to modify the provisions of this chapter by any order, rule, or regulation.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4600. It is unlawful to kill, wound, capture, or have in possession any undomesticated burro, except as provided in this chapter.

An undomesticated burro, for the purpose of this chapter, is a wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture. The fact that a burro was killed, wounded, or captured on publicly owned land, or on land owned by a person other than the person who killed, wounded, or captured the burro is prima facie

evidence that the burro was an undomesticated burro at the time it was killed, wounded, or captured

Neither the commission nor any other department or agency has any power to modify the provisions of this chapter by any order, rule, or regulation.

Ownership

4601. All undomesticated burros are hereby declared to be the property of the State of California and no one may possess an undomesticated burro except for the purpose of domesticating it and possessing it as a pet or for use as a beast of burden.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4601. All undomesticated burros are hereby declared to be the property of the State

Permit to capture and domesticate

4602. Any person who desires to capture undomesticated burros which will be held for the purpose of domesticating them and possessing them as pets or for use as beasts of burden may apply to the Department of Agriculture for a permit to capture undomesticated burros. The application for such a permit shall be in writing. In the application the applicant shall state his name and address and shall also state that, if the permit is granted, any such burro captured will be possessed and used only in accordance with the terms of the permit.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4602. Any person who desires to capture an undomesticated burro for the purpose of domesticating it and possessing it as a pet or for use as a beast of burden may apply to the Department of Agriculture for a permit to capture an undomesticated burro. The application for such a permit shall be in writing. In the application the applicant shall state his name and address and shall also state that, if the permit is granted, he intends to, and will, possess and use such burro as he may capture under the permit only in accordance with the terms of the permit.

Validity

4603. The permit, when issued, shall authorize the person to whom it is issued to capture the specified number of undomesticated burros within the period of six months after the date of the permit.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4603. The permit, when issued, shall authorize the person to whom it is issued to capture one undomesticated burro within the period of six months after the date of the permit

Ownership

4604. The permit shall provide that the person to whom the permit is issued shall not have nor exercise any rights to such burros except to possess them for use as pets or beasts of burden and that he may tranfer only that interest in such burros.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4604. The permit shall also provide that an undomesticated burro captured under the permit shall remain the property of the State until the expiration of three years after the date of the permit, that until the expiration of such period the person to whom the permit is issued shall

not have nor exercise any rights to the burro except to possess it for use as a pet or as a beast of burden, and that if the burro is so possessed until the expiration of such period, the ownership of the burro shall vest in the person to whom the permit is issued.

Limitation

4605. The total number of permits and total number of undomesticated burros which may be taken under such permits shall be determined by the Department of Agriculture which shall base its determination on the number of undomesticated burros necessary to properly preserve and maintain the species in relation to the available land.

(Amended by Stats. 1957, Ch. 1497.)

[ORIGINAL SECTION]

4605. Not more than one such permit shall be issued to any one person during any one calendar year, and the total number of such permits shall not exceed 12 in any one calendar year

NOTE This section was also amended by Stats 1957, Ch. 1496, as follows.

4605 The total number of permits and total number of undomesticated burros which may be taken under such permits shall be determined by the Department of Agriculture which shall base its determination on the number of domesticated burros necessary to properly preserve and maintain the species in relation to the available land.

Violation

4606 Any wilful violation of the provisions of a permit issued under this chapter is unlawful.

(Amended by Stats. 1957, Ch. 1496.)

[ORIGINAL SECTION]

4606. Any wilful violation of the provisions of a permit issued under this chapter is unlawful.

This chapter shall remain in effect until the ninety-first day after the final adjournment of the Regular Session of the Legislature in 1957.

CHAPTER 7. WILD BOAR

(The heading of Chapter 6 amended and renumbered by Stats. 1957, Ch. 1972.)

[ORIGINAL HEADING]

CHAPTER 6. WILD BOAR

Trapping wild boar

4650. It is unlawful to take wild boar by means of a trap in Monterey County.

CHAPTER 8. FULLY PROTECTED MAMMALS

(Chapter 8 added by Stats. 1957, Ch. 1972.)

Fully protected mammals

4700. Fully protected mammals are: sea otter (genus Enhydra), Guadalupe fur seal (genus Arctocephalus), sea elephant (genus Mirounga), and mountain sheep (genus Ovis).

Fully protected mammals may not be taken at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no permits or licenses heretofore issued shall have any force or effect for any such purpose.

(Added by Stats. 1957, Ch. 1972.)

CHAPTER 9. BEAR
(Chapter 9 added by Stats. 1957, Ch. 1916.)

Taking bear

4750. It is unlawful to take any bear with firearm or bow and arrow without first procuring a license tag authorizing the taking of such bear in accordance with the provisions of this chapter.

(Added by Stats. 1957, Ch. 1916.)

License

4751. Any resident of this State 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar ($1), procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

Any nonresident of this State, or any noncitizen of the United States, who possesses a valid hunting license, may, upon payment of ten dollars ($10), procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

(Added by Stats. 1957, Ch. 1916.)

Tags

4752. Bear license tags are valid only during that portion of the current hunting license year in which bear may be taken or possessed in any district.

(Added by Stats. 1957, Ch. 1916.)

Possession of tag

4753. The holder of a bear license tag shall carry the tag while hunting bear, and upon the killing of any bear shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the ear of the bear and kept attached during the open season and for 15 days thereafter. The other part of the tag shall be immediately sent to the department. Possession of any untagged bear shall be a violation of this section.

(Added by Stats. 1957, Ch. 1916.)

Forfeiture

4754. Any person who violates any provision of this chapter shall forfeit his bear license tags, and no new license tags may be issued to that person during the then current license year for hunting licenses.

(Added by Stats. 1957, Ch. 1916.)

Countersigning of tags

4755. Any person legally killing a bear in this State shall have the license tag countersigned by a fish and game commissioner, a person employed in the department, a person designated for this purpose by the commission, or by a justice of the peace, notary public, postmaster, peace officer or by an officer authorized to administer oaths, before transporting such bear except for the purpose of taking it to the nearest officer authorized to countersign the license tag, on the route being followed from the point where the bear is taken.

(Added by Stats. 1957, Ch. 1916.)

Use of dogs

4756. Except as provided in this section it is unlawful to use dogs to hunt, pursue, or molest bears

The use of one dog per hunter is permitted for the hunting of bears during the time that the season is open for the taking of deer in the area of the State affected.

The use of more than one dog per hunter is permitted in the hunting of bears during the open season on bears in the area of the State affected except during the period when archery deer seasons or regular deer seasons are open.

In the course of breaking, training or practicing dogs, such dogs may be permitted to pursue bears during the period August 1st to September 30th if the area concerned is not open to archery deer hunting or regular deer hunting.

It is unlawful for any person breaking, training, or practicing such dogs to carry, or have under his immediate control, any firearm or bow and arrow of any kind except during the open season on bear.

(Added by Stats. 1957, Ch. 1916.)

Possession of skin

4757. Any person taking any bear must retain in his possession during the open season thereon, and for 15 days thereafter, the skin and portion of the head bearing the ears, and must produce the skin and portion of the head upon the demand of any officer authorized to enforce the provisions of this code.

(Added by Stats. 1957, Ch. 1916.)

Sale of bear meat

4758. Subject to the provisions of this code permitting the sale of domestically raised game mammals, it is unlawful to sell or purchase any bear meat in this State.

(Added by Stats. 1957, Ch. 1916.)

Skin and hide

4759. The skin or hide of any bear lawfully taken and possessed for the period provided in Section 4757, may be sold, purchased, tanned, or manufactured into articles for sale. Nothwithstanding the provisions of Section 4757, skins or hides of bear 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 ears of the bear from which the skin was taken for retention during the period stipulated by Section 4757.

(Added by Stats. 1957, Ch. 1916.)

Application

4760. The provisions of this chapter relating to the possession of bear apply to bear taken outside this State and transported into this State.

(Added by Stats. 1957, Ch. 1916.)

Possession

4761. Bear legally taken may be possessed at any time during which bear may be taken in any district and for 15 days thereafter.

(Added by Stats. 1957, Ch. 1916.)

Possession of bear meat

4762. It is unlawful to possess bear meat except during the open season and 15 days following the last day when bear may be legally taken in any district except bear meat marked pursuant to regulations established by the commission. The commission shall make such regulations and may charge and collect a fee for marking bear meat not to exceed one dollar ($1) per bear carcass.

(Added by Stats. 1957, Ch. 1916.)

4763. The provisions of this chapter do not apply to the taking of bear which is otherwise authorized to protect livestock, land, or property from damage or threatened damage from bear. Application

(Added by Stats. 1957, Ch. 1916.)

DIVISION 5. REPTILES

CHAPTER 1. TURTLES

Article 1. Desert Tortoises

5000. It is unlawful to sell or purchase any desert tortoise (Gopherus aggassizii).

Article 2. Terrapin

5020. It is unlawful to take diamond-back terrapin (Malaclemys) at any time.

DIVISION 6. FISH

PART 1. GENERALLY

CHAPTER 1. MISCELLANEOUS

5500. It is unlawful to use explosives in the waters of this State inhabited by fish, except under the terms of a permit first obtained by the user from the commission, or except in case of emergency, to remove an accidental obstruction to the flow of water. Explosives

5501. The department may take any fish which, in its opinion, is unduly preying upon any bird, mammal, or fish. The commission may prescribe the terms of a permit to take any fish which, in the opinion of the department, is harmful to other species of fish and which should be reduced in numbers. Predatory fish

5502. It is unlawful to take any fish within 250 feet of any fishway, within 150 feet of the lower side of any dam, or within 150 feet of the upper side of any fish screen. Fishways, etc.

5503. It is unlawful to take any fish for the sole purpose of removing its eggs. Eggs

5504. It is unlawful to use trout roe or spawn for the purpose of taking any fish, except in Districts 1½, 2, 2½ and 3. Bait: Trout roe

5505. Mollusks, crustaceans, and amphibia may be used for bait or released in the same waters wherein taken.

5506. It is unlawful to take any fish which are beneath the ice formed on any of the waters of this State. Ice fishing

5507. It is unlawful for any person to possess, except in his home, any fish spear or gaff within 300 feet of any lake or stream in this State, at any time when spearing is prohibited in such lake or stream. This section does not apply to the possession of a gaff carried as an accessory while angling. Fish spear or gaff

Size or weight

5508. It is unlawful to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined.

Species

5509. It is unlawful to possess on any boat or to bring ashore any fish in such a condition that the species cannot be determined.

Bait

5510. It is unlawful to chum with live bait in District 20, or to fail to place a nonremovable screen of not more than one-quarter inch mesh over the inlet and outlet of the bait tank of live bait boats in that district.

Cultural operations

5511. Except under permit of the department, it is unlawful to carry on any fish cultural operations on any stream above the point where water is diverted for the use and operation of a state fish hatchery.

Artificial lures

5512. The commission has no power to restrict any river, stream, lake or other body of water in Placer, Nevada and Sierra Counties to fishing by use of artificial lure only.

(Added by Stats. 1957, Ch. 1678.)

CHAPTER 2. POLLUTION

Article 1. General

Substances

5650. It is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this State any of the following:

(a) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.

(b) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind.

(c) Any sawdust, shavings, slabs, edgings.

(d) Any factory refuse, lime, or slag.

(e) Any cocculus indicus.

(f) Any substance or material deleterious to fish, plant life, or bird life.

Chronic pollution

5651. Whenever it is determined by the department that a continuing and chronic condition of pollution exists, the department shall report such condition to the appropriate regional water pollution control board, and shall cooperate with and act through such board in obtaining correction in accordance with any laws administered by such board for control of practices for sewage and industrial waste disposal.

Article 2. Shellfish Area Contamination

Human consumption

5670. It is unlawful to take shellfish used or intended to be used for human consumption from any area from which it shall be determined, as provided in this article, that the taking of shellfish does or may constitute a menace to the lives or health of human beings.

Health department powers

5671. The State Department of Public Health may:

(a) Examine any area from which shellfish may be taken.

(b) Determine whether the area is subject to sewage contamination.

(c) Determine whether the taking of shellfish from the area does or may constitute a menace to the lives or health of human beings.

Area of contamination

5672. Upon the determination by the Department of Public Health that the area is or may be subject to sewage contamination, and that the taking of shellfish from it does or may constitute a menace to the lives or health of human beings, it shall ascertain as accurately as it can the bounds of the contamination, and shall post notices on or in the area describing its bounds and prohibiting the taking of shellfish therefrom.

The taking of shellfish from the area is unlawful after the completion of the publication of the notices as prescribed in this article.

Publication of notices

5673. The fact of posting the notices shall be published once a week for four successive weeks in some newspaper of general circulation published in the county in which the contaminated area is situated, if there is such a newspaper, and if there is none, then in such a newspaper published in an adjoining county.

Enforcement

5674. The Department of Public Health shall enforce the provisions of this article, and for that purpose the inspectors and employees of that agency may enter at all times upon public or private property upon which shellfish may be located.

Article 3. Trinity and Klamath River Fish and Game District

Mining operations

5800. (a) It is unlawful to conduct any mining operations in the Trinity and Klamath River Fish and Game District between July 1st and November 30th except when the debris, substances, tailings or other effluent from such operations do not and cannot pass into the waters in that district.

(b) It is unlawful between July 1st and November 30th to pollute, muddy, contaminate, or roil the waters of the Trinity and Klamath River Fish and Game District. It is unlawful between those dates to deposit in or cause, suffer, or procure to be deposited in, permit to pass into, or place where it can pass into, such waters, any debris, substance or tailings from hydraulic, placer, milling, or other mining operation affecting the clarity of such waters. The clarity of such waters shall be deemed affected when such waters at a point a distance of one mile below the confluence of the Klamath River and the Salmon River or at a point a distance of one mile below the confluence of the South Fork of the Trinity River and the Trinity River, contain fifty (50) parts per million, by weight, of suspended matter, not including vegetable matter in suspension and suspended matter occurring in the stream or streams due to an act of God.

(c) It is unlawful, between July 1st and November 30th to carry on or operate any hydraulic mine of any kind on, along, or in any waters flowing into the Trinity and Klamath River District. However, nothing herein contained shall prevent the operation of a hydraulic mine where the tailings, substance, or debris, or other effluent therefrom, does not or will not pass into the waters of the Trinity and Klamath River Fish and Game District, between such dates, and any person, firm, or corporation engaged in hydraulic mining shall have the right until the fifteenth day of July to use water for the purpose of cleaning up.

(d) Any structure or contrivance which causes or contributes, in whole or in part, to the condition, the causing of which is in this section prohibited, is a public nuisance, and any person, firm, or corporation maintaining or permitting it is guilty of maintaining a public nuisance, and it is the duty of the district attorney of the county where the condition occurs or the acts creating the public nuisance occur, to bring action to abate such nuisance.

Limitation

5801. Section 5800 does not affect any other laws applying to the territory included in the Trinity and Klamath River Fish and Game District which relate to birds, mammals, and fish.

Public works

5802. Section 5800 does not apply to the construction, repair, or maintenance of public works by the Federal or State Government, or any political subdivision thereof.

Chapter 3. Dams, Conduits, and Screens

Article 1. General Provisions

5900. As used in this chapter:

"Dam"

(a) "Dam" includes all artificial obstructions.

"Conduit"

(b) "Conduit" includes pipe, mill race, ditch, flume, siphon, tunnel, canal, and any other conduit or diversion used for the purpose of taking or receiving water from any river, creek, stream, or lake.

"Owner"

(c) "Owner" includes the United States (except that for the purpose of Sections 5901, 5931, 5933, and 5938, "owner" does not include the United States as to any dam in the condition the dam existed on September 15, 1945), a person, political subdivision, or district (other than a fish and game district) owning, controlling or operating a dam or pipe.

"United States"

(d) "United States" means the United States of America, and in relation to any particular matter includes the officers, agents, employees, agencies, or instrumentalities authorized to act in relation thereto.

Fish obstructions

5901. Except as otherwise provided in this code, it is unlawful to construct or maintain in any stream in Districts 1, 1½, 2, 2½, 2¾, 3, 4, 4½, 23, and 25, any device or contrivance which prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream.

Federal compliance

5902. In including the United States within the scope of this chapter the Legislature declares that it understands that the law and policy of the United States with respect to the development of water resources, the reclamation of land from flood and overflow, and in all other respects is to comply with state laws respecting water. The provisions of this chapter provide a procedure for the United States to comply with the provisions and policy of state law respecting its subject matter.

Dam applications

5903. The United States shall file with the commission pursuant to this chapter a separate application for each dam it proposes to construct or enlarge if an owner other than the United States would be required to file an application pursuant to Division 3 of the Water Code in order to construct or enlarge the same dam. The application shall be on forms provided by the department.

Contents

5904. The application of the United States shall give the following information:

(a) The name and address of the owner.

(b) The location, type, size, and height of the proposed dam and appurtenant works.

(c) The storage capacity of the reservoir.

(d) Such other pertinent information as the commission requires.

(e) As accurately as may be readily obtained, the area of the drainage basin, rainfall, and stream flow records and flood flow records and estimates

(f) The purpose for which the impounded or diverted water is to be used.

(g) Such other appropriate information as may be necessary in a given instance.

In instances wherein the physical conditions involved and the size of the dam are such as to render the above requirements as to drainage areas, rainfall, stream flow, and flood flow unnecessary, the commission may waive the requirements.

Article 2. Dams and Obstructions

Fish streams

5930. The department shall, from time to time, examine all dams in all rivers and streams in this State naturally frequented by fish.

Fishways

5931. If, in the opinion of the commission, there is not free passage for fish over or around any dam, the department shall cause plans to be furnished for a suitable fishway, and order in writing the owner of the dam to provide the dam, within a specified time, with a durable and efficient fishway, of such form and capacity and in such location as shall be determined by the department. Such fishway shall be completed by the owner of the dam to the satisfaction of the department within the time specified.

Additional structures

5932. When all of the provisions of this article have been complied with, if in the opinion of the commission changed conditions make additional structures desirable for the free

passage of fish, the department may make such additional structures and may expend such sums of money as it deems necessary for such additional construction, including the cost of insurance against any liability which the department may incur in connection with such structures.

Filing, hearing and notice

5933. Whenever an application for approval of plans and specifications for a new dam in any stream in this State, or for the enlargement of any dam in any such stream, is filed with the Department of Water Resources, pursuant to Part 1 (commencing with Section 6000) of Division 3 of the Water Code, a copy of such application shall be filed by the applicant with the commission. If then the commission deems that the construction of a fishway over such a dam is necessary for the preservation and protection of fish, and that construction and operation of such fishway is practicable, it shall set a date for a hearing to be held within 10 days after filing of such application with the commission.

At such hearing the applicant shall be entitled to introduce evidence to show that construction of the fishway is not necessary or is not practicable, taking into consideration the height of the dam and the amount of water available.

If, after the hearing, the commission finds that the construction of the fishway is necessary and practicable it shall, within five days after such hearing, notify the applicant to that effect.

After notice from the commission that a fishway is required, it shall be unlawful to commence the construction of any new dam or the enlargement of any dam without first obtaining the written approval of the commission of the design for such a fishway.

(Amended by Stats. 1957, Ch. 1932.)

[ORIGINAL SECTION]

5933. Whenever an application for approval of plans and specifications for a new dam in any stream in this State, or for the enlargement of any dam in any such stream, is filed with the Department of Water Resources, pursuant to the provisions of Division 3 of the Water Code, a copy of such application shall be filed by the applicant with the commission If then the commission deems that the construction of a fishway over such a dam is necessary for the preservation and protection of fish, and that construction and operation of such fishway is practicable, it shall set a date for a hearing to be held within 10 days after filing of such application with the commission.

At such hearing the applicant shall be entitled to introduce evidence to show that construction of the fishway is not necessary or is not practicable, taking into consideration the height of the dam and the amount of water available.

If, after the hearing, the commission finds that the construction of the fishway is necessary and practicable it shall, within five days after such hearing, notify the applicant to that effect.

After notice from the commission that a fishway is required, it shall be unlawful to commence the construction of any new dam or the enlargement of any dam without first obtaining the written approval of the commission of the design for such a fishway.

Depositions

5934. The commission or any party may, in any hearing, cause the deposition of witnesses to be taken in the manner

prescribed by law for depositions in civil actions in the superior courts of this State.

Fishway maintenance

5935. The owner of any dam upon which a fishway has been provided shall keep the fishway in repair and open and free from obstructions to the passage of fish at all times.

5936. It is unlawful to wilfully destroy, injure, or obstruct any fishway.

Stream flow

5937. The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the department to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

In lieu fishways

5938. Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may, in lieu of the fishway, order the owner of the dam completely to equip, within a specified time, on a site to be selected by the department, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the department. After such hatchery has been constructed, the department shall operate it without further expense to the owner of the dam except as provided in Sections 5940 and 5941.

Size of equipment

5939. The hatchery, traps, and other equipment necessary to operate a hatchery station shall not be of a size greater than necessary to supply the stream or river with a reasonable number of fish The owner of the dam shall permit the department to locate the hatchery, dwellings, traps, and other equipment upon any of the land of the owner of the dam upon a site or sites to be mutually agreed upon by the department and the owner of the dam.

Electricity

5940. If the owner of the dam generates electricity at the place of the dam, he shall furnish sufficient light, without charge, for the use of the hatchery.

Water

5941. The owner shall permit the use of water, without charge, to operate the hatchery.

Planting

5942. The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the department, the young of such fish as naturally frequent the waters of the stream or river, at such times, in such places, and in such numbers as the commission may order.

Public access

5943. The owner of a dam shall accord to the public for the purpose of fishing, the right of access to the waters impounded by the dam during the open season for the taking of fish in such stream or river, subject to the regulations of the commission.

Liability

5944. The owner of a dam is not liable in damages to any person exercising the right to fish, who suffers any injury through coming in contact with, or tampering with, any of the property of the owner of the dam.

Planting

5945. The department may sell, at cost, to the owner of a dam, young fish ordered to be planted.

Exceptions and limitation

5946. The provisions of Section 5938 shall not be applicable to dams constructed in District 4½ after September 9, 1953.

No permit or license to appropriate water in District 4½ shall be issued by the State Water Rights Board after September 9, 1953, unless conditioned upon full compliance with Section 5937. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for full compliance with Section 5937.

(Amended by Stats 1957, Ch. 1932.)

[ORIGINAL SECTION]

5946. The provisions of Section 5938 shall not be applicable to dams constructed in District 4½ after September 9, 1953.

No permit or license to appropriate water in District 4½ shall be issued by the Department of Water Resources after September 9, 1953, unless conditioned upon full compliance with Section 5937. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for full compliance with Section 5937.

Hydroelectric plants

5947. It is unlawful for the owner of a dam in District 4½ to release water from the dam, or any facilities for the generation of hydroelectric energy operated in connection therewith, in varying flows in such a manner as to destroy fish life below such release.

Log jams, etc

5948. No person shall cause or having caused, permit to exist any log jam or debris accumulation or any other artificial barrier, except a dam for the storage or diversion of water, public bridges and approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted by law, and debris from mining operations, in any stream in this State, which will prevent the passing of fish up and down stream or which is deleterious to fish as determined by the commission, subject to review by the courts.

(Amended by Stats. 1957, Ch. 2039.)

[ORIGINAL SECTION]

5948. No person shall cause or permit to exist any log jam or debris accumulation or any other artificial barrier, except a dam for the storage or diversion of water, public bridges and approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted by law, and debris from mining operations, in any stream in any district or part of a district in Del Norte, Siskiyou, Trinity, Humboldt, Mendocino, Sonoma, or Marin County, which will prevent the passing of fish up and

down stream or which is deleterious to fish as determined by the commission, subject to review by the courts.

Article 3. Conduits and Screens: Diversions Over 250 Cubic Feet per Second

Application and construction

5980. This article shall apply only to conduits described in Section 5987, and conduits with a maximum flow capacity over 250 cubic feet per second of water.

In classifying conduits it is recognized that those involving the passage of water through power devices and those of large size tend to destroy fish in a greater degree than conduits of smaller size or different type.

If this section is for any reason held to be unconstitutional, such decision shall not affect the validity of the remainder of this article.

The Legislature hereby declares that the persons owning conduits referred to in this section shall be subject to the provisions of this article.

Screens

5981. The department shall examine all conduits; and order the owner of a conduit to install, and it is the duty of such an owner to install, a screen on the conduit when, in the opinion of the department, a screen is necessary to prevent fish from passing into the conduit.

Except as provided in Sections 5987, 5988 and 5989, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit and one-half by the department.

Order to install

5982. An order to install a screen shall be in writing, and shall specify the type, size, mesh, material and location of the screen, the time within which the screen shall be installed, and an estimate of the expense of installing the screen.

Payments

5983. When an order is made to install a screen, the department shall pay the owner of the conduit upon whom the order is served one-half of the estimated expense of the construction or installation of the screen.

5984. If the expense of constructing or installing a screen exceeds the estimated expense the department shall, upon written notification by the owner of the conduit, inspect the screen, and pay to the owner one-half of the amount estimated to be necessary to complete the construction or installation of the screen.

Surplus money

5985. The owner of the conduit shall, within 10 days after completing the installation of the screen, return to the department any surplus money advanced by the department pursuant to this article.

Expenditures

5986. All money paid by the department to the owner of a conduit pursuant to this article shall be paid out of the Fish and Game Preservation Fund.

Electricity

5987. The department shall not pay one-half of the expense of the construction and installation of any screen as provided in Sections 5981, 5983, and 5984 to any person engaged in

producing, generating, transmitting, delivering, or furnishing electricity for light, heat or power.

If this section is for any reason held to be unconstitutional, the decision shall not affect the validity of Section 5981, 5983 or 5984, and the Legislature hereby declares that the persons mentioned in this section shall be subject to the provisions of Sections 5981, 5983 and 5984.

Inspection, acceptance, etc

5988. When a screen has been installed, the owner may, by written notice within 90 days after such installation, request the department to inspect the screen for the purpose of accepting it. Thereupon it is the duty of the department to inspect the screen, and if it has been installed in accordance with the order and plans and specifications agreed upon by the department and the owner as provided in Section 5992 or approved by the Department of Water Resources the department shall accept and approve the screen in writing. If, upon such inspection it appears that the screen has not been constructed and installed in accordance with such plans and specifications, the department shall, within 60 days after such inspection, notify the owner of any deviation from the order. Thereupon such deviation may be remedied within 90 days, and a further inspection requested.

Malfunction

5989 After acceptance, should the screen fail to function in an efficient manner, no changes in conditions affecting its operation having occurred subsequent to the acceptance of the screen, the owner shall not be required to install a new screen. However, the department may install another screen at the sole cost and expense of the department of a type, size, mesh, and at a location agreed upon by the department and the owner, or approved by the Department of Water Resources, as provided in Section 5992 of this code.

Compliance with order

5990. It is unlawful for the owner of a conduit to refuse, fail, or neglect to install a screen in compliance with an order from the department or to permit the screen to be removed or taken out of place, except for repairs or cleaning while water is running in the conduit.

Installation by department

5991. In lieu of the department's ordering the owner to install a screen the department may, at its option, elect to construct and install the screen itself, in which event the type, size, mesh, and location of the screen and the time within which it shall be installed shall be determined as provided by Section 5992 of this code.

When the department elects to construct and install a screen, one-half of the cost of construction and installation shall be paid by the owner.

The department may pay the entire cost of the construction and installation of a screen from the Fish and Game Preservation Fund, in which case it shall, upon completion of the screen, notify the owner of the amount of one-half of the cost, and the owner shall, within 30 days thereafter, remit that amount to the department.

Specifications, maintenance, etc

5992. Any screen installed under any of the provisions of this article shall be reasonably adequate to prevent fish from passing into the conduit and not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is legally entitled to divert.

The type, size, mesh, and location of the screen and the time within which it shall be installed shall be mutually agreed upon by the department and the owner of the conduit. In the event the department and the owner of the conduit cannot agree upon the type, size, mesh, and location of the screen and the time within which it shall be installed, such matters shall be submitted for determination to the Department of Water Resources whose decision thereon shall be final and conclusive.

If the owner and the department fail to agree upon the type, size, mesh, location, and time of installation of the screen within 60 days from the first submission of proposed plans and specifications by the department to the owner, either the department or the owner may submit such matters, in writing to the Department of Water Resources for final and conclusive decision, and it shall, within 60 days from such reference, render its decision in writing determining such matters.

The department shall maintain and keep the screen in repair, and shall quarterly notify the owner in writing of the cost thereof, and the owner shall within 30 days thereafter remit to the department an amount equal to one-half of such cost.

The owner shall operate and keep free from debris any screen installed, and shall quarterly notify the department in writing of the cost thereof, and the department shall within 30 days thereafter remit to the owner an amount equal to one-half of such cost.

Agreement

5993. Before the installation of any screen under the provisions of this article, the department and the owner shall enter into an agreement defining the method of determining the cost of maintenance, repairs, operation, and keeping the screen free of debris, which agreement shall provide that in the event either the department or the owner objects to such cost the matter shall be referred to the Director of Finance for his final and conclusive decision.

Article 4. Conduits and Screens: Diversions Less Than 250 Cubic Feet per Second

Application and construction

6020. This article shall apply only to conduits with a maximum flow capacity of 250 cubic feet per second or less of water, other than those conduits described in Section 5987.

If this section is for any reason held to be unconstitutional, such decision shall not affect the validity of Article 3 of this chapter and the Legislature hereby declares that the persons owning conduits referred to in this section shall be subject to the provisions of Article 3 of this chapter.

Installation, maintenance, etc., of screens or bypasses

6021. The department shall examine new or existing conduits, and may install, maintain, repair, and replace fish screens, bypasses, or other devices to prevent the passage of fish through a conduit, when in the opinion of the department such a screen or device is practical and necessary. The owner of a conduit shall grant to the department the right of access to the conduit for the installation and maintenance of the screen, and shall provide the department with an easement for a site for the installation of the screen or device deemed suitable by the department. The owner shall also supply sufficient water for a bypass to carry fish stopped by the screen or device back to the channel from which they were diverted, and an easement for the bypass channel, but such easement shall not require the acquisition or leasing of additional lands by the owner. No water for a bypass shall be required if the channel from which the water is diverted is dry or incapable of supporting fish life below the point of diversion.

Bypass capacity

6022. Sufficient water for a bypass shall be not to exceed the following:

(a) Diversions under three cubic feet per second capacity shall not be required to bypass more than 18 gallons per minute.

(b) Diversions of three cubic feet per second or more, but under 10 cubic feet per second, shall not be required to bypass more than 30 gallons per minute.

(c) Diversions of 10 cubic feet per second or more, but under 20 cubic feet per second, shall not be required to bypass more than 40 gallons per minute.

(d) Diversions of 20 cubic feet per second or over shall not be required to bypass more than one-half of 1 percent of the capacity of the diversion.

(e) Diversions built by the Government of the United States and requiring bypasses longer than one-quarter mile shall bypass such amount of water as is necessary to return fish to the permanent channel satisfactorily.

Notice of intention to install

6023. The department shall serve written notice upon each owner of its intention to install a fish screen, and shall describe therein the distance downstream from the intake or in other manner the location of the screen, the access required, and the amount of water required for the bypass. The notice shall be served upon the owner in duplicate, and in such form that the original copy upon signature by the owner shall serve as an agreement to the installation of the screen or device under the terms therein, and shall require the owner to render such assistance, other than mechanical repair or replacement of parts, necessary to keep the screen or device in satisfactory operating condition. The hiring of additional labor shall not be required for such assistance.

Installation, etc

6024. If the owner fails to sign and return the agreement granting the department the necessary rights for the installation of the screen or device within 60 days after its service on him, the department may install the screen as though the

agreement had been signed unless a decision of the Department of Water Resources is requested. In the event the department and the owner of the conduit cannot agree upon the type, size, mesh, or location of the screen or device, the amount of water required for a bypass, or the time within which the screen or device shall be installed, the matter shall be submitted for determination to the Department of Water Resources, whose decision thereon shall be final and conclusive. The Department of Water Resources shall render its decision within 60 days after either the department or the owner has submitted the matter in writing and requested a decision.

Removal

6025. It is unlawful for the owner of a conduit to cause or permit a screen to be removed or taken out of place, except for repairs or cleaning, while water is running in the conduit, or to operate the conduit with the bypass closed when the screen is operating as provided in this article.

Requirements

6026. Any screen installed under this article shall be such as will be reasonably adequate to prevent fish from passing into the conduit and will not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is legally entitled to divert.

Exceptions

6027. This article does not prevent the department from removing or permitting an owner to remove a screen or close a bypass during any part of the year when the department finds that such action will not endanger fish life.

Payments

6028. All money paid by the department to the owner of a conduit pursuant to this article shall be paid out of the Fish and Game Preservation Fund.

CHAPTER 4. INFECTED OR DISEASED FISH

Application

6300 This chapter applies to all fish including but not limited to fish being imported or transported.

Examination

6301. The department is authorized to enter at any time any car, warehouse, depot, ship, or growing area where any fish or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether such fish or aquatic plants are infected, diseased, or parasitized.

Destruction

6302 All fish or aquatic plants found to be infected, diseased, or parasitized are a public nuisance and shall be summarily destroyed by the department.

Shipment out of State

6303. All fish or aquatic plants which the department determines are merely deleterious to fish, aquatic plants, or aquatic animal life, shall be destroyed by the department, unless the owner or person in charge of the fish or aquatic plants ships them out of the State within a period of time to be specified by the department.

Notices

6304 If the department finds any infected, diseased, or parasitized fish or aquatic plants within this State, the department shall post notices describing, as nearly as possible, the boundaries of the area within which the fish or aquatic plants are found, and shall state the period during which the taking,

carrying, and transportation of the fish or aquatic plants from the area shall be unlawful. The fact of posting the notices shall be published once a week for four successive weeks in some newspaper of general circulation in the county in which the infected area is situated, and, if there is no such newspaper in that county, then in a newspaper of general circulation published in an adjoining county.

Intrastate shipment

6305. It is unlawful to carry or cause to be carried from one point in this State which has been posted according to the provisions of this article, to any other point in this State, any infected, diseased, or parasitized fish or aquatic plant.

Expenses

6306. The expense of any examination made necessary by the provisions of this code, shall be borne by the owner of the fish or aquatic plants, or the person or persons importing them into this State.

CHAPTER 5. FISH PLANTING AND PROPAGATION

Article 1. General Provisions

Inspection and permission

6400. It is unlawful to place, plant, or cause to be placed or planted, in any of the waters of this State, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the State, without first submitting it for inspection to, and securing the written permission of, the department.

Purchase and stocking

6401. Any person may, under the terms of a permit first obtained from the department, under such regulations as the commission may prescribe, purchase or receive live fish from any domestic fish breeder, and may stock the fish in a stream or a lake.

Article 2. Registered Farm Ponds

"Farm pond"

6420. For the purpose of this article a "farm pond" is water impounded by a dam or dams, lying wholly within privately owned or leased land, used primarily by the owner or lessee for agricultural purposes, not over 25 acres water surface area when full, and constructed on a drainage in which the department has determined there existed no fish upstream from the dam prior to the construction of the pond, except in another farm pond.

Registration

6421. The owner or lessee of a farm pond may apply to the department for the inspection and registration of the pond. If upon inspection, the department determines that the water designated in the application is a farm pond as defined in this article, and that there is no danger of injuring the waters above or below the dam by the planting of an incompatible species of fish, it may issue a nontransferable certificate of registration.

Posting signs

6422. Each registered farm pond shall be posted by the owner or lessee with permanent signs at least 24 inches by

36 inches in size with letters not less than two inches high and located at each dam forming the pond, showing the name and address of the owner or lessee and the number of the certificate of registration.

Stocking

6423. The owner or lessee of a registered farm pond may, under the terms of a permit issued by the department, stock the pond with fish obtained from a licensed domesticated fish breeder.

Public access

6424. The owner or lessee of a registered farm pond shall not be required to accord to the public for the purpose of fishing, the right of access to waters of the pond, notwithstanding Section 5943.

Fishing

6425. Fish may be taken under an angling license from a registered farm pond only by the registrant or his invitee at any time of year and without limit as to sizes or bag limits.

The provisions of Sections 2430 and 2432 shall apply to fish taken from registered farm ponds when transported or sold. For this purpose a registrant shall be deemed to be a domesticated fish breeder licensee or permittee under those sections, but shall not be required to pay the fee specified for a domesticated fish breeder's license or permit.

Excess fish

6426. Excess fish may be removed from a registered farm pond by the department with the consent of the registrant for the stocking of other waters.

Revocation

6427. The commission may, for good and sufficient cause, revoke or suspend any farm pond certificate of registration. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, of Division 3, of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Article 3. Domesticated Fish Breeders

Ponds

6450. Any person who owns or leases privately owned land may establish and maintain ponds for the propagation and raising of domesticated fish or amphibia subject to the provisions of this article

Specifications

6451. All artificial bodies of water or private hatcheries in which fish or amphibia may be propagated and raised under the provisions of this article shall be entirely within the exterior boundaries of the land owned or leased by the applicant, and there shall be no natural inlet or outlet for the waters contained therein.

For the purpose of this section, waters existing seasonally or intermittently and not serving as a passageway or nursery area for anadromous fish are considered as being without a natural inlet or outlet.

All artificial inlets and outlets of such artificial bodies of water or private hatcheries used for fish propagation shall be screened to prevent the ingress or egress of fish to or from any natural body of water.

License

6452. A person desiring to propagate and raise fish or amphibia shall file with the department each year a written application for a domesticated fish breeder's license. Persons licensed under Article 4 of this chapter to cultivate shellfish need not obtain a domesticated fish breeder's license to cultivate shellfish.

Fee

6453. The fee for a domesticated fish breeder's license shall be fifteen dollars ($15) per calendar year or part thereof.

Examination and issuance

6454. Upon receipt of the application, the department shall examine the land and waters described therein at the expense of the applicant.

If the body of water or private hatchery has been constructed and screened according to the provisions of this article and the application is proper and reasonable, the department shall grant to the applicant a license to propagate and raise the domesticated fish mentioned in the application, and to possess the fish for a calendar year, or, if issued after the beginning of the year, for the remainder of the year.

The license shall be posted or displayed in a conspicuous place on the land described in the application.

Reports

6455. Every person receiving a license to propagate and raise domesticated fish shall make a written report to the department, on or before January 31st of each year. The report shall state the number of each species of fish sold, exchanged, or given away during the preceding calendar year.

Nuisance Abatement

6456. Any body of water maintained in violation of this article shall be deemed a continuing public nuisance, and may be abated as provided by law for the abatement of public nuisances; and each day it is so maintained shall be deemed a separate offense.

Article 4. Shellfish Cultivation

License

6480. Every person shall procure a license to engage in the business of cultivating shellfish, whether planting, promoting their growth, or harvesting them, in, on, or from waters and areas of this State, whether public or private.

The department shall prepare a suitable license entitling the holder to cultivate shellfish, subject to the provisions of this code, for a term of one year from July 1st or, if issued after the beginning of such term, for the remainder thereof.

The fee for the license is twenty-five dollars ($25).

Any person engaged solely in the cultivation of shellfish and the sale of cultivated shellfish, who is not otherwise a person described in Section 8040, need not procure the license required by that section.

Oyster beds

6481 When an oyster bed is established pursuant to this code, all oysters in the bed belong to the person establishing the bed, and that person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining the bed.

Oyster reserves

6482. All natural oyster beds of native oysters (Ostrea lurida) on state tidelands, in all bays, lagoons, and estuaries in this State, together with such other areas of state tidelands as the department may set aside for the cultivation of oyster seed, are oyster reserves, and shall be, remain, and continue the property of the State, and be administered for the best interests of the State by the department. Oyster beds so reserved shall not be allotted or leased for the exclusive use of any person.

Taking

6483. Oysters, oyster seed, or shell may be taken from such reserve beds only at the time specified and under the supervision of the department, subject to the conditions of this article.

Injurious species

6484. The department shall have the authority to prohibit the placing of any type or species of oyster or oyster seed which it considers injurious to the development of the oyster industry in the State, in any bay, lagoon, or estuary.

Application

6485. Any person desiring to take oysters or oyster seed, for the purpose of transplanting, from state oyster reserve beds shall file an application with the department to that effect. The application shall state where the oysters or oyster seed are to be taken, the amount to be taken on a basis of sacks of two and one-half cubic feet each, and the place or places of transplanting.

Shell returns

6486. A person taking oysters or oyster seed from state oyster reserve beds may be required, at the discretion of the department, to return to the bed from which the oysters or seed are taken, within a period of one year, not to exceed one-half sack of shell for every sack of oysters or seed taken, and shall be advised at the time the oysters or seed are taken of the amount of shell to be returned.

Charges for removal

6487. The department may authorize removal of oysters from state reserves at any time, and shall fix a charge which shall not exceed ten dollars ($10) per ton to be paid by the person taking such oysters and shell.

Overcrowding

6488. When overcrowding of oysters on natural reefs in state reserves may be relieved by such removal, the department may authorize the removal of oysters and shells without charge.

Allocation of water bottoms

6489. The commission may allot to any citizen of California unallotted state water bottoms upon which to exercise the exclusive privilege of cultivating shellfish. Use of such state water bottoms shall conform to the minimal use of such bottoms, which is the minimum amount of oysters to be planted per unit of area as established by commission regulation.

No unallotted state water bottoms shall be allotted unless the commission determines that such allotment is in the public interest.

Application

6490. Any citizen of California desiring to acquire the exclusive privilege of cultivating shellfish on unallotted state water bottoms shall make application to the commission for that purpose, designating the particular area desired. The application shall be accompanied by a map of the area desired,

showing sufficient adjacent geography for ready placement, and the acreage of the area.

Each application for an allotment of state water bottoms shall be accompanied by a fee of fifty dollars ($50).

Grant

6491. The commission, after consulting its records of filings, shall, if the area requested is found to be unallotted and the application conforms with this article, and upon a finding that an allotment would be in the public interest, allot the area to the applicant, to be held by him for the term of the allotment or until such time as it is abandoned.

Abandonment

6492. Upon being declared abandoned, an allotted area may be allotted to the first applicant applying, or by lot if several applications are received the same day. Only applications conforming to the requirements of this article need be considered, and all improvements, buildings, and shellfish thereon shall be sold to the applicant at a price agreed upon between the applicant and the department.

Non-cultivation

6493. An allotted area shall be considered abandoned when, for a period of two years, it has not been operated in the cultivation of shellfish and shellfish cultivated within it have not been sold. The transfer of such an allotment shall not affect the running of such two-year period.

Limitation

6494. Allotments made under the provisions of this article are only for cultivating shellfish and do not confer authority to conduct any activity which is not associated therewith.

Term

6495 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.

6496. 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.

Clam digging areas

6497. Any areas of state land in any of the bays of the State in which clams are growing, and which are used by the public for digging clams, shall not be allotted, and shall remain open to the public for the purpose of such digging. The department shall designate such areas.

Public access

6498. The granting of an allotment shall in no way affect public access for hunting and fishing to the state lands contained in the allotted area, except that access to the area for the purposes of hunting or fishing shall be only by boat floating on the surface of the water covering the area and operated in such a manner as to cause no untoward disturbance of the area or the shellfish therein.

Transfer

6499. An allotted area may be transferred from one person to another person eligible for an allotment, upon the receipt of an application by the commission for a transfer, accompanied by the map and fee specified in Section 6490.

Marking of areas

6500. An allotted area 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 in the area 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 background the words "oyster beds" or "mussel beds" or such words as may be applicable, under which shall appear the name of the person to whom the area has been allotted.

Nothing in this article authorizes any impediment or obstruction to the navigation of any channels.

Affidavit of compliance

6501. The allottee shall be considered as having complied with the posting requirement if after posting the allotted area he files with the nearest office of the department an affidavit that stakes and signs have been placed as required.

Replacement of stakes

6502. 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.

Rental

6503. In addition to the fees provided for in this article, an allottee shall pay an annual rental of one dollar ($1) per each acre or part thereof for all state water bottoms allotted to him. The rental period is from October 1st of any year to September 30th of the following year.

The rental fee shall apply only as to an area actually planted on each of the first three dates that the fee is due in respect to the area, after which it applies to the entire acreage.

For the purposes of this section, any allotment transferred from one person to another shall be considered as an existing allotment, not as a new allotment, and the rental shall be paid by the allottee of record on the due date.

Nonpayment

6504. An annual rental fee shall be paid within 30 days after the due date. If it is not then paid, the department shall give notice in writing to the allottee that it must be paid within 60 days after such due date. The commission may declare the allotment abandoned if the fee is not paid within that time.

Disposition

6505. The amounts received as rental fees shall be expended in accordance with Section 8056 of this code.

Privilege tax

6506. 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. If the shellfish are marketed in the shell, the 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.

Payment or suspension, etc.

6507. The privilege tax imposed by Section 6506 shall be paid monthly to the department within 30 days after the close of each month.

The commission may suspend or revoke a license or an allotment of state water bottoms if the tax remains unpaid more than sixty (60) days after it is due and payable.

Blanks for the purpose of making privilege tax returns shall be supplied by the department.

Commercial fishing reports

6508. Any licensee operating under a license granted under Section 6480 shall make such commercial fishing reports as may be required of persons engaged in commercial fishing activities under Article 6 (commencing with Section 8010), Chapter 1, Part 3, of Division 6.

Wilful destruction

6509. Any person who enters upon any lot of land in which there are shellfish laid down and planted, and which, at the time of such entry, is staked off pursuant to the provisions of this article, and who takes and carries off such shellfish without the consent or permission of the occupant or owner, or who wilfully destroys any cultured shellfish or any stakes or marks intended to designate the boundaries and limits of any land claimed and staked pursuant to the provisions of this article, is guilty of a misdemeanor.

Enforcement

6510. The commission may make such regulations as it deems necessary to enforce the provisions of this article.

Chapter 6. Kelp and Other Aquatic Plants

Article 1. General Provisions

License

6650. Every person engaged in harvesting kelp or other aquatic plants for profit in the waters of this State shall have a license for that purpose.

6651. A license granting the privilege to harvest kelp or other aquatic plants shall be issued and delivered upon application and the payment of a fee of ten dollars ($10) to the department. The license shall be valid for a term of one year from the date of issuance.

Weighing

6652. Every person engaged in harvesting kelp shall weigh all wet kelp immediately after it is delivered to the licensee's place of business or elsewhere, and the weight shall be entered in a book to be kept by the licensee. The book shall be open at all times to the inspection of the department.

Every person engaged in harvesting kelp shall, on or before 10 days after each month of the term of the license, render a statement of the weight of all wet kelp harvested during the preceding month.

Regulation

6653. The commission may make such regulations as may be necessary to insure the proper harvesting of kelp and other aquatic plants.

Kelp beds

6654. If, at any time, the commission finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish, the department shall serve on every person licensed to harvest kelp a written notice that the kelp bed or

beds, or parts thereof, shall be closed to the harvesting of kelp for a period not to exceed one year.

Notice, hearing

6655. Within 10 days after the service of such a notice, the person upon whom notice is served may demand a hearing upon the necessity for the closing of the kelp bed or beds, or parts thereof. Upon such demand for a hearing, the commission shall fix a time and place for the taking of evidence upon the necessity for the closing, which time shall be not less than 10 days nor more than 30 days from the date of such demand. The department shall serve written notice of the time and place of the hearing upon the person demanding the hearing, at least 10 days before the day set for the hearing. If no demand is made for a hearing within the time prescribed the kelp bed or beds, or parts thereof, shall remain closed to the harvesting of kelp for the time mentioned in the order.

Revocation

6656. The commission may revoke and prohibit reissuance for a period of not more than one year, the license of:

(a) Any person who harvests any kelp from a bed which is closed, between the time of service of notice upon him of the closing of the bed and the decision of the commission upon a hearing as to the necessity for such closing

(b) Any person who violates any law or regulation of the commission relating to kelp.

The proceedings shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Permits Federal departments

6657. The commission may, subject to such regulations as it may deem proper, grant permits to any department of the United States Government or to any scientific or any educational institution, to harvest kelp at any time for scientific or experimental purposes without the payment of the kelp license or privilege tax imposed by this chapter.

Article 2 Privilege Tax

6680. In addition to the license fee provided for in this chapter, every person harvesting kelp or other aquatic plants shall pay a privilege tax of five cents ($0 05) per ton of wet kelp or wet aquatic plants harvested.

Article 3 Exclusive Leases

Lease of beds

6700. The commission may lease to any person, for a period not exceeding 15 years, the exclusive privilege to harvest kelp in any bed or beds, or part thereof, not to exceed 25 square miles in area.

Application

6701. Any person desiring to lease the exclusive privilege of harvesting kelp shall make written application to the commission, designating the particular bed or beds or part thereof from which the person desires to harvest kelp.

6702. Upon the filing of an application, accompanied by the minimum payment required for the first year, as hereinafter provided, the department, with the approval of the commission and the Department of Finance, may execute a lease to the person making the application. The application shall show that the applicant intends actually to harvest kelp from the bed or beds or part thereof to be leased and that the kelp will be put to a beneficial use.

License fee

6703. The lease shall provide, in addition to the payment of the license fee required by this chapter, for a payment by the lessee of not less than three cents ($0.03) per ton for all kelp harvested from the bed or beds, or part thereof, and shall provide for the payment of a minimum of forty dollars ($40) per square mile per year for the kelp bed or beds, or part thereof, to be credited upon the amount payable by the lessee under the lease during the year, with appropriate provisions for a forfeiture of the lease if the minimum is not paid annually in advance, and shall provide for such other regulations as the commission may prescribe.

Deposit

6704. A deposit of a minimum of forty dollars ($40) per square mile of area of the kelp bed or beds, or part thereof, for the first year shall accompany the application. The deposit shall be returned to the person making it unless a lease to such person is executed.

Subleases

Each lease shall provide in effect that it may not be assigned in whole or in part by the lessee, either voluntarily or by operation of law, and that no subleases or other rights may be granted thereunder by the lessee, and shall provide for a forfeiture of the lease in the event of a violation of such provision.

In lieu payment

6705. The payment of the sum due under any lease shall be deemed in lieu of the privilege tax imposed by Article 2 of this chapter.

Recording of notice

6706. When an exclusive privilege to harvest kelp has been granted, a notice signed by the department shall be filed for record in the recorder's office of the county in which the kelp bed or beds, or part thereof, are located, setting forth the name of the person having such privilege, the description of the kelp bed or beds, or part thereof, and the time for which the privilege has been granted.

CHAPTER 7. AMPHIBIA

Article 1. Frogs

"Frog"

6850. As used in this article, "frog" means the American bullfrog (Rana catesveiana), the California redlegged frog (Rana aurora draytonii), or any other species of edible frog.

Limits

6851. Except as otherwise provided, it is unlawful to take or possess any frog less than four inches in length, measured from the tip of the nose to the posterior end of the body between the hind legs, or to take or possess more than 24 frogs per day or 48 frogs per week.

Commercial users

6852. Any person who conducts a place of business where frogs are sold to the public for food, or who takes or possesses frogs for sale to, or for use by, educational or scientific institutions for scientific purposes, may possess any number of frogs which conform to the size limit prescribed in this article.

A licensed domesticated fish breeder may domestically propagate and raise frogs, and kill, possess and sell any number so raised and propagated.

Permit

6853. The department may issue a permit to take, possess, purchase or dispose of frogs below the minimum sizes when such frogs are to be used for scientific or educational purposes.

Taking; Firearms

6854. Frogs may be taken only between March 1st and November 30th. It is unlawful to take frogs by the use of firearms of any caliber or type.

Nuisance

6855. The department may issue a permit to take and dispose of frogs under such limitations as the commission may prescribe, when, in the judgment of the department, such frogs are polluting the water supply in any area, or otherwise constitute a nuisance.

Article 2. Frog-jumping Contests

"Frog-jumping contest"

6880. As used in this article, "frog-jumping contest" means a contest generally and popularly known as a frog-jumping contest which is open to the public and is advertised or announced in a newspaper.

Application

6881. Frogs to be used in frog-jumping contests shall be governed by this article only. Frogs to be so used may be taken at any time and without a license or permit.

Injurious taking, presumption

6882. If the means used for taking such frogs can, as normally used, seriously injure the frog, it shall be conclusively presumed the taking is not for the purposes of a frog-jumping contest

Destruction

6883. Any person may possess any number of live frogs to use in frog-jumping contests, but if such a frog dies or is killed, it must be destroyed as soon as possible, and may not be eaten or otherwise used for any purpose.

Keeping

6884. A frog which is not kept in a manner which is reasonable to preserve its life is not within the coverage of this article.

Modifications

6885. The commission has no power to modify the provisions of this article by any order, rule, or regulation.

PART 2. SPORT FISHING

CHAPTER 1. GENERALLY

Article 1. Application of Part

7100. The provisions of this part apply to the taking and possession of fish for any purpose other than commercial.

Article 2. General Provisions

Bag limits

7120. It is unlawful for any person to possess more than one daily bag limit of any fish taken under a sport fishing license.

Sale or purchase

7121. It is unlawful to sell or purchase any fish or amphibia taken in or brought into the waters of the State, or brought ashore at any point in the State, under a sport fishing license.

It is unlawful to buy, sell, or possess in any place of business where fish are bought, sold, or processed, any fish or amphibia taken on any boat, barge, or vessel which carries sport fishermen.

Article 3. Sport Fishing Licenses

Licenses

7145. Except as otherwise provided in this article, every person over the age of 16 years who takes any fish or amphibia for any purpose other than profit shall procure a license for that purpose.

Application, form, etc

7146. A license granting the privilege to take fish or amphibia for purposes other than profit, shall be issued and delivered, upon application in writing, by the department, or by any person appointed and authorized by the department.

7147. The department shall prepare suitable sport fishing licenses.

The form of the license shall be such as to incorporate detachable tags which shall serve as shipping permits when detached from the license Shipping tags shall be nontransferable, and each tag shall entitle the holder of the sport fishing license to which it is attached to ship by common carrier one legal daily possession limit of the type of fish specified thereon. Shipping tags shall be in such form and number as the commission may prescribe but shall be sufficient to allow each licensee during the license year to ship not less than three legal daily possession limits of trout.

Trout

7148. This section applies only to trout taken in districts or parts of districts lying within Mono or Inyo County.

Not more than one daily bag limit of trout may be possessed in Mono or Inyo County, except that, in addition to the one daily bag limit that may be so possessed, one additional daily bag limit may be possessed by the holder of a current sport fishing license; provided, he first obtains a permit to take not to exceed three such additional limits during the season, pursuant to regulations prescribed by the commission. The fee for such permit shall be five dollars ($5).

Not more than one such additional daily bag limit shall be possessed by any one person at any one time and not more than three such additional daily bag limits may be possessed by any one person during any one open season for trout.

Notwithstanding any other provisions of this code, trout taken in Mono or Inyo County shall not be shipped by common

carrier, but trout lawfully possessed in those counties pursuant to this section may be transported and possessed in any part of the State by the person by whom such trout were taken.

It is unlawful for any person to possess more than one daily bag limit of trout in Mono or Inyo County except in conformity with this section.

The amendments to this section shall become operative on January 1, 1958, and the provisions of this section shall remain in effect until December 31, 1959, and thereafter shall have no force or effect.

(Amended by Stats. 1957, Ch. 202.)

[ORIGINAL SECTION]

7148. This section applies only to trout taken in districts or parts of districts lying within Mono or Inyo County.

Not more than one daily bag limit of trout may be possessed in Mono or Inyo County, except that, in addition to the one daily bag limit that may be so possessed, one additional daily bag limit may be possessed in accordance with regulations prescribed by the commission.

Not more than one such additional daily bag limit shall be possessed by any one person at any one time and not more than three such additional daily bag limits may be possessed by any one person during any one open season for trout

Notwithstanding any other provisions of this code, trout taken in Mono or Inyo County shall not be shipped by common carrier, but trout lawfully possessed in those counties pursuant to this section may be transported and possessed in any part of the State by the person by whom such trout were taken

It is unlawful for any person to possess more than one daily bag limit of trout in Mono or Inyo County except in conformity with this section.

The provisions of this section shall remain in effect until December 31, 1957, and thereafter shall have no force or effect.

Issuance

7149. A sport fishing license granting the privilege to take fish or amphibia from the ocean waters of this State for purposes other than profit shall be issued:

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if signed in ink by the licensee and permanently affixed to his license authorizes him to take all fish, other than trout, and amphibia, but including steelhead trout, for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if signed in ink by the licensee

and permanently affixed to his license authorize him to take all fish and amphibia for purposes other than profit.

Any person receiving aid to the aged under the provisions of the Old Age Security Law on application to the department shall be issued a sport fishing license with two license stamps affixed thereto, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, recipients of aid to the aged, or resident Indians without payment of a license fee means a sport fishing license with two license stamps affixed thereto All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

The amendments to this section shall become operative on January 1, 1958.

(Amended by Stats. 1957, Ch. 1887.)

[ORIGINAL SECTION]

7149 A sport fishing license, which shall authorize the person to whom it is issued to take fish or amphibia for purposes other than profit in accordance with the law shall be issued·

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from date of issue.

NOTE This section was also amended by Stats. 1957, Ch. 360, as follows:

7149. A sport fishing license, which shall authorize the person to whom it is issued to take fish or amphibia for purposes other than profit in accordance with the law shall be issued·

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from date of issue.

(d) To any person receiving aid to the aged under the provisions of the Old Age Security Law, on application to the department, without charge.

Ocean license

7150. A sport fishing license granting only the privilege of taking fish from the waters of the Pacific Ocean may be issued to any citizen of the United States over the age of 16 years,

upon payment of a fee of one dollar ($1), for a period of three days from the date of issue.

Disabled veterans

7151. Every totally disabled veteran of any war in which the United States has been, or may be, engaged, upon the presentation of proof of an honorable discharge from service, and proof of service-connected total disability in the form of a certification from the Veterans Administration, shall be entitled to a sport fishing license upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge.

As used in this section, "war" means that period of time commencing either when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

Servicemen

7152. Any member of the armed forces of the United States or any auxiliary branch thereof on active duty may take fish or amphibia, in accordance with law, for purposes other than profit without a sport fishing license.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1957 General Session of the Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the armed forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted.

Public piers

7153. A sport fishing license is not required to take fish for any purpose other than profit by means of angling from a public pier in the ocean waters of the State.

Indians

7154. The department may issue to any Indian residing in this State a sport fishing license, free of charge. The license may be issued only to such resident Indian as is, in the discretion of the department, financially unable to pay the fee required for the license, and only to such resident Indian as has not been convicted of the violation of any law of this State relating to the protection of fish and game.

Yurok Indian Tribe

7155. Notwithstanding any other provision of this code, California Indians who are bona fide registered members of the Yurok Indian Tribe may take fish, for subsistence purposes only, from the Klamath River between the mouth of that river and the junction of Tectah Creek with it, exclusive of tributaries, without regard to seasons, under the following conditions:

(a) Upon application therefor, the department shall issue to any Yurok Indian who is listed on the register of the Yurok

Tribal Organization, as furnished to the department, a renewable, nontransferable permit to take fish pursuant to this section for a period of one calendar year. Any Indian of the Yurok tribe while taking fish pursuant to this section shall have upon his person such valid permit, and shall display it upon the request of any duly authorized officer.

(b) Hand dip nets, and hook and line only may be used for taking fish pursuant to this section.

(c) Pursuant to this section not more than three trout or salmon or combination thereof, or more than one sturgeon, may be taken in any one day. There is no bag limit on any other fish.

(d) No Yurok Indian while fishing pursuant to this section may be accompanied by any person who does not possess a valid permit as prescribed by this section. It is unlawful for any person who does not hold such permit to accompany any Yurok Indian who is taking fish pursuant to this section.

(e) The sale of any fish taken under the provisions of this section shall constitute cause for permanent revocation by the commission of the permit held by the person making the sale.

Blind persons

7161. A sport fishing license shall be issued, free of charge, to every blind person who makes application, together with an affidavit attesting to his blindness, to the Department of Fish and Game, Headquarters Office, Sacramento.

"Blind person" for purposes of this section means any person with central vision acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees.

(Added by Stats. 1957, Ch. 1031.)

Article 4. Reciprocal Sport Fishing Licenses

Valid license and use stamp

7180. Any person taking fish for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters where that river forms a mutual boundary between the States of Arizona and California, shall have in his possesion a valid sport fishing license issued by either the State of Arizona or State of California.

In addition to either of the licenses, a person taking fish as indicated shall have in his possession a Colorado River special use stamp. If he is a person having in his possession a valid California sport fishing license he shall have an Arizona special use stamp to fish legally the waters described above. If he is a person having in his possession a valid Arizona sport fishing license, he shall have a California special use stamp to fish legally the waters described above.

A special use stamp, when accompanied by the proper license, will allow fishing in any portion of such waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is two dollars ($2).

Colorado River shore fishing

7181. A person fishing from the shores of the Colorado River located in Arizona or California shall have in his possession a valid sport fishing license issued by the state which has jurisdiction over such shore. Such shore line fishing does not require a Colorado River special use stamp as long as the fisherman remains on the shore and does not embark on the water. A resident of Arizona, however, having in his possession a valid Arizona sport fishing license and a California special use stamp may fish from the shores of the Colorado River located in California without a sport fishing license issued by the State of California.

Reciprocal sales

7182. Arizona Colorado River special use stamps shall be sold by California license dealers under the supervision of the department in the same manner as sport fishing licenses are sold, and California sport fishing licenses and California Colorado River special use stamps shall be sold by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

(Amended by Stats. 1957, Ch. 880.)

[ORIGINAL SECTION]

7182. A California sport fishing license shall be sold only within California, and an Arizona license within Arizona

Arizona Colorado River special use stamps shall be sold by California license dealers under the supervision of the department in the same manner as sport fishing licenses are sold, and California Colorado River special use stamps shall be sold by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

Use stamps Arizona and California

7183 The Arizona Game and Fish Commission shall handle California sport fishing licenses and California special use stamps and issue them to Arizona license dealers, and prior to February 28th of each year shall make an audit report and send a remittance for such sales to the California Department of Fish and Game.

The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers, and prior to August 31st of each year shall make an audit report and send a remittance for such sales to the Arizona Game and Fish Commission.

(Amended by Stats. 1957, Ch. 880.)

[ORIGINAL SECTION]

7183 The Arizona Game and Fish Commission shall handle California special use stamps and issue them to Arizona license dealers, and prior to February 28th of each year shall make an audit report and send a remittance for such sales to the California Department of Fish and Game.

The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers, and prior to August 31st of each year shall make an audit report and send a remittance for such sales to the Arizona Game and Fish Commission.

Validity

7184. An Arizona special use stamp is valid from January 1st to December 31st, inclusive, of each year, to coincide with

the period for which a California sport fishing license is issued.

A California special use stamp is valid from July 1st to June 30th, inclusive, of each year, to coincide with the period for which an Arizona fishing license is issued.

Reciprocity

7185. This article shall become operative and remain effective so long as the commission finds and determines that under the laws of the State of Arizona substantially similar Arizona licenses are authorized to be issued to licensees of the State of California upon substantially the same terms and conditions as are provided for in this article as to the issuance of California licenses to licensees of the State of Arizona.

Article 5. Processing and Preserving of Fish Taken Under Sport Fishing License

Canned salmon

7230. Any cannery or packing plant in which salmon that have been taken under a sport fishing license are canned, shall stamp on the top of each can the words "not to be sold" in letters of such size as to be clearly legible, and the stamp shall remain affixed to the can. Such canned salmon may not be sold, purchased, or offered for sale.

Striped bass

7231. It is unlawful to buy or sell striped bass or parts thereof, or to possess striped bass or parts thereof, in any fish bait store or fish market where fish are bought, possessed, or sold, or in any restaurant or other eating establishment where food is offered for sale to the public, or in any truck or other conveyance operated by or for a fish dealer.

Nothing in this section prohibits any of the following:

(a) The preparation for storage, and the storage, of not more than one daily bag limit of lawfully taken striped bass in a locker plant, if such fish are placed, after preparation for storage, in a locker assigned to the exclusive use of the owner of such fish.

(b) The preparation for consumption of lawfully taken striped bass in a restaurant or other eating establishment when such fish are brought to such restaurant or eating establishment by the owner of such fish for the purpose of having them prepared for consumption by himself or by himself and others.

(c) The canning or smoking of lawfully taken striped bass by a fish cannery or processor as a service for licensed sport fishermen.

Each can or jar containing striped bass canned under the provisions of this section shall have printed or stamped upon it the words "not to be sold" in letters of such size as to be clearly legible.

All striped bass or pieces thereof which have been smoked under the provisions of this section shall be wrapped in packages bearing the words "not to be sold" in letters of such size as to be clearly legible.

Chapter 2. Particular Varieties of Fish

Article 1. Salt-water Fish

7254. White seabass, barracuda, and yellowtail shall be measured from the tip of the lower jaw to the end of the longest lobe of the tail. Seabass, barracuda and yellowtail Size

7255. It is unlawful to take soupfin sharks in waters less than 25 fathoms in depth. Soupfin sharks

Article 2. Pismo Clams

7290. No pismo clam not in the shell may be possessed, except when it is being prepared for immediate consumption. Pismo clams

Article 3. Clams Generally, Mollusks, and Crustaceans

7332. No instrument capable of being used to dig clams may be possessed between one-half hour after sunset and one-half hour before sunrise, on any beach of this State, except tools and implements used in the work of cleaning, repairing, or maintaining such beach when possessed by a person authorized by appropriate authority to perform such work. Clam-digging instruments

PART 3. COMMERCIAL FISHING

Chapter 1. Generally

Article 1. Application of Part

7600. The provisions of this part apply to the taking and possession of fish for any commercial purpose.

Article 2. General Provisions

7700 As used in this chapter:

(a) "Reduction plant" means any plant used in the reduction of fish into fish flour, fish meal, fish scrap, fertilizer, fish oil, or other fishery products or by-products. "Reduction"

(b) "Packer" means any person canning fish or preserving fish by the common methods of drying, salting, pickling, or smoking. "Packer"

(c) "Fish offal" means the heads, viscera, and other parts of fish taken off in preparing for canning or preserving. "Fish offal"

7701. The commission may regulate and control fishing boats, barges, lighters or tenders, receptacles or vehicles containing fish, commercial fishermen, packers, reduction plants, plants where fish products are manufactured, and dealers in fish, or fishery products, insofar as necessary to insure the taking and delivery of fish and fishery products in a wholesome and sanitary condition to canning, packing or preserving Powers generally

plants, or to any plant where fishery products are manufactured, or to any fresh fish dealer, and to prevent deterioration and waste of fish.

Entry and inspection

7702. The department may enter and examine any canning, packing, preserving, or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish, and ascertain the amount of fish received, or kind and amount of fishery products packed or manufactured and the number and size of containers or cans for fishery products purchased, received, used, or on hand and may examine any books and records containing any account of fish caught, bought, canned, packed, stored or sold.

Grading

7703. The commission may establish grades for different varieties of fish or fishery products, which grades shall be conformed to by persons who take or use sardines for bait or who deliver fish or other fishery products to packers or to fresh fish dealers. Every packer of fish, fish dealer, or manufacturer of fish products shall conform to the grades established by the commission.

Deterioration

7704. It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of this State, or brought into this State, or to take, receive or agree to receive more fish than can be used without deterioration, waste or spoilage.

Reduction plant or process

Except as allowed by this code, it is unlawful to use any fish, or part thereof, except fish offal, in a reduction plant or by a reduction process.

Conveyors and receptacles

7705. All chutes or conveyors used to convey fish or fish offal to any receptacle, and all receptacles containing fish or fish offal to be used for reduction purposes, shall be so constructed and maintained that the fish or fish offal thereon or therein is at all times open to view and inspection.

Suspension of license

7706. A written complaint may be made to the commission against any person who violates any of the provisions of Sections 7700 to 7705, inclusive, 7707 and 7708, 8151, 8153 to 8157, inclusive, and 8075 to 8080, inclusive, of this code, or any regulation made thereunder, by any person having information or knowledge of such a violation. If the person charged is found guilty of the offense charged, the commission may suspend for a period not to exceed 90 days any license issued by any state board or officer to such person to take, buy, sell, can or preserve fish or fishery products. No other license shall be issued to such person during the period of suspension. The proceedings shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Reduction plant Nuisance

7707. Any reduction plant in which any fish or any part thereof is used in violation of the provisions of Sections 7700 to 7706, inclusive, 7708, 8151, 8153 to 8157, inclusive, and 8075

to 8080, inclusive, of this code, or in violation of any regulation of the commission, is a nuisance. Whenever the existence of such nuisance is shown to the satisfaction of the superior court of the county in which the reduction plant is situated, by complaint filed in the name of the people of the State of California, the court may issue a temporary injunction to abate and prevent the continuance or recurrence of such nuisance. If the existence of a nuisance is established in such action, an order of abatement shall be entered as part of the judgment in the case, which order shall direct the closing, for 12 months, of the building or place where such nuisance was maintained, and, during such time, the building or place shall be and remain in the custody of the court.

Regulation

7708. The commission may make and enforce such regulations as may be necessary or convenient for carrying out any power, authority, or jurisdiction conferred under this article.

Article 3. Commercial Fishing Licenses

Application

7850. Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish for profit, or who brings or causes fish to be brought ashore at any point in the State for the purpose of selling them in a fresh state, shall procure a commercial fishing license.

As used in this section, "person" does not include partnership, corporation, or association. Nothing, however, in this section prohibits any person, partnership, corporation, or association from paying for a license issued to any person.

This article does not apply to the taking, transporting, or selling of live fresh-water fish for bait purposes by the holder of a live fresh-water bait fish license.

Application for license

7851. The application for a commercial fishing license shall contain a statement of the applicant's age, height, and weight, a description of his complexion and color of eyes and hair, and a statement as to whether or not he is a citizen of the United States, and, if not, the name of the country of which he is a citizen.

Validity

7852. A commercial fishing license entitles the holder to take fish from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. The license fee is fifteen dollars ($15).

The amendments to this section shall become operative on April 1, 1958.

(Amended by Stats. 1957, Ch. 1887.)

[ORIGINAL SECTION]

7852. A commercial fishing license entitles the holder to take fish from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. The license fee is ten dollars ($10)

Suspension or revocation

7853. The commission may suspend or revoke the commercial fishing license of any licensee who operates a vessel in

waters within the territorial jurisdiction of the State and approaches:

(a) Within 500 yards of any vessel owned or operated by the United States Government or any department or agency thereof, except when necessary to comply with the laws or rules of navigation governing the safe movement of vessels; or

(b) So close to any vessel owned or operated by the United States or any department or agency thereof and engaged in transporting naval or military equipment or personnel as to interfere with such transportation or to enable the observation thereof, except when necessary to comply with the laws or rules of navigation governing the safe movement of vessels.

Revocation or suspension proceedings

7854. No license shall be suspended or revoked pursuant to Section 7853 until the filing of a complaint with the commission by any of the following:

(a) The commanding officer of a vessel owned or operated by the United States or any department or agency thereof.

(b) Any other officer of any such vessel who is authorized by his commanding officer to file such complaint.

(c) Any commanding officer of any military or naval activity affected by the licensee's operation of a vessel, or any other officer of such activity authorized by such commanding officer to file a complaint

7855. The proceedings to revoke or suspend a commercial fishing license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Article 4. Vessel Registration

Registration number

7880. Every person owning or operating any vessel used in connection with fishing operations shall, for the purpose of identification and registration, carry in plain sight, on each side of the vessel, a Department of Fish and Game registration number.

Number plates.

7881. The registration numbers shall be stamped on metal plates and furnished by the department in duplicate. The plates shall be known as registration number plates. Every number plate shall be constructed of durable noncorrosive metal and shall have displayed upon it the registration number assigned to the vessel upon which it is placed, together with the abbreviated words "Cal. F. & G." Such plates shall be numbered consecutively, beginning with Number 1, and shall be issued upon application to the department.

Location

7882. Registration number plates shall be securely fastened well forward to some part of the superstructure of the vessel upon which they are placed.

Nontransferability

7883. Registration number plates are not transferable, and shall be considered a permanent fixture upon the vessel upon which they are originally placed.

Information

7884. Before registration number plates are issued, the applicant shall furnish the department with the following information pertaining to the vessel upon which the number plates are to be placed:

(a) The assessor's certificate of registration for the current calendar year.

(b) Satisfactory evidence that all county and city taxes due on the vessel have either been paid in full or entered on the assessment roll as a lien on real property.

(c) The name and address of the owner.

(d) The name and address of the operator.

(e) The type of vessel.

(f) The general dimensions of the vessel.

(g) The home port of the vessel.

(h) The kind of fishery work to be engaged in.

(i) Any other information the department may require pertaining to the operation of the vessel.

Ownership and loss

7885. Registration number plates shall remain the property of the State, and shall not be intentionally defaced, mutilated or destroyed. If any such registration number plate is accidentally defaced, mutilated, destroyed or lost, the person owning or operating the vessel upon which the number plate has been placed shall immediately make application for and may obtain a duplicate, upon furnishing the department with the pertinent facts and a payment of two dollars ($2).

Loss, sale, etc., of vessel

7886. If a vessel carrying registration number plates is lost, destroyed or sold, the owner of the vessel shall immediately report the loss, destruction or sale to the department.

Boat registration statement

7887. Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this State, or bringing fish into this State, or who, for profit, permits persons to fish therefrom, shall file a boat registration statement with the department, on a form to be provided by the department.

This section does not apply to any boat which is rented without an operator, unless the boat is powered with an inboard motor, in which case a certificate of boat registration is required.

Contents

7888 The statement shall include the following:

(a) The owner's name and address.

(b) The name, if any, of the vessel.

(c) The Department of Fish and Game registration number.

(d) The number in the crew

(e) The length and breadth over all.

(f) The depth of the hold.

(g) The type of vessel.

(h) The horsepower, if propelled by motive power.

(i) The net tonnage.

(j) The value of the vessel, exclusive of nets, gear, cargo and stores.

Assessor

7889. The statement shall also show satisfactory evidence that the vessel has been registered by the assessor for the current calendar year. If the statement does not show such information, the Department of Fish and Game registration number plates are revoked and shall be removed from the vessel.

Issuance

7890. Upon payment of a fee of ten dollars ($10) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

Fishing in state waters 1938 initiative measure

7891. The law relating to the subject of control of fishing in state waters when delivery is to points beyond state waters was adopted as an initiative measure at the General Election of November 8, 1938. The reference to Section 845 in the last sentence is to Sections 8630 to 8632, inclusive, of this code. It reads as follows:

Permit

1110—No person shall use or operate or assist in using or operating in this State or the waters thereof, any boat or vessel used in connection with fishing operations irrespective of its home port or port of registration, which fishing boat or vessel delivers or by which there is delivered to any point or place other than within this State any fish, mollusks or crustaceans which are caught in, or taken aboard said boat or vessel from, the waters of the Pacific Ocean within this State or on the high seas or elsewhere, unless a permit authorizing the same shall have been issued by the Fish and Game Commission.

Issuance

Where it appears to the commission that such permit will not tend to prevent, impede or obstruct the operation, enforcement or administration of this code or any provision thereof, and will not tend to result in fish, mollusks or crustaceans in the waters of this State being taken or used otherwise than is authorized by this code, the commission may issue revocable permits under such rules and regulations and upon such terms and conditions as it may prescribe, to deliver fish, mollusks or crustaceans by the use of such boat or vessel outside of this State, provided that nothing herein shall authorize the transportation or carrying out of this State or any district thereof, of any fish, mollusks or crustaceans where the same is prohibited by law, and no permit shall be issued which may tend to deplete any species of fish, mollusk or crustacean, or result in waste thereof. Any person who uses or operates or assists in using or operating any boat or vessel in violation of the provisions of this section is guilty of a misdemeanor and such boat or vessel and the net, gear or other equipment of said boat or vessel is a public nuisance and shall be forfeited. It is the duty of every person authorized to make an arrest for the violation of any of the provisions

of this code, to seize and keep such boat, vessel, net, gear or other equipment and to report such seizure to the commission. The commission shall thereupon commence, in the superior court of the county or city and county in which or nearest to which the seizure is made, proceedings for forfeiture of the seized property for its use in violation of this section, and such proceeding shall be had in the manner and according to the procedure provided by Section 845 of this code for the forfeiture of nets.

Article 5. Fishing Party Boat Licenses

License

7920. The owner of any boat or vessel who, for profit, permits any person to fish therefrom, shall procure a fishing party boat license.

This article applies only to a boat or vessel whose owner or his employee or other representative is with it when it is used for fishing.

Validity

7921. The license shall be valid during the period from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof, and for a fee of three dollars ($3) shall be issued to the holder of a certificate of boat registration issued pursuant to Section 7890.

Application

7922. The application for a license shall contain a statement of the applicant's age, height, and weight, a description of his complexion and color of his eyes and hair, and a statement as to whether or not he is a citizen of the United States, and, if not, the name of the country of which he is a citizen.

Record

7923. The holder of a license shall keep a true record in the English language of all fish taken, and shall comply with such regulations as the commission may prescribe. Such a record and the information contained in it shall be confidential, and the record shall not be a public record.

Supervision, forfeiture, etc

7924. Licenses issued under this article are subject to forfeiture, suspension, or revocation in the same manner and to the same extent as commercial fishing licenses.

Article 6. Commercial Fishing Reports

Duties of department

8010. The department shall.

(a) Gather and prepare data of the commercial fisheries relating to the most important commercial fish, showing particularly the extent to which such fish abound.

(b) Make such investigations of the biology of the various species of fish as will aid in the collection and preparation of the statistical information necessary to determine evidence of overfishing.

(c) Make such investigations as will disclose evidence of overfishing from changes in the age groups of any species of fish.

(d) Determine what measures may be advisable to conserve any fishery, or to enlarge and assist any fishery where that may be done without danger to the supply.

Fish receipts: Contents

8011. Every person engaged in the business of buying, canning, curing or preserving fish, or manufacturing fish meal, fish oil, or fish fertilizer, or dealing in fish, who receives fish from fishermen, other than persons engaged in the taking, transportation, or sale of live fresh-water fish for bait, shall make a legible record in the form of a receipt in triplicate on forms to be furnished by the department. The receipt shall show:

(a) The weight of each species of fish received.

(b) The name of the fisherman.

(c) The Department of Fish and Game registration number of the boat or the name of the dealer from whom the fish were received.

(d) The name of the recipient.

(e) The date of receipt.

(f) The price paid.

8012. The receipt shall also state whether the fish are intended to be sold fresh or to be canned, cured, made into fish meal or fertilizer, or otherwise disposed of. If a commercial distinction is made between different sizes or qualities of any species or variety, that shall be so stated on the receipt. The receipt shall also state what fish were taken in foreign waters, or in the high seas off another state or foreign country.

8013. The names used in the receipt for designating the species of fish dealt with shall be those in common usage, and may be designated by the department.

Disposition of copies

8014. The original signed copy of the receipt shall be delivered to the fisherman at the time of the purchase or receipt of the fish. The duplicate copy shall be kept by the dealer or person receiving the fish for a period of six months and shall be available for inspection at any time within that period by the department and the triplicate copy shall be delivered to the department on or before the first and sixteenth day of each month

Dealer, canner, etc., report

8015. A fish dealer, canner, or preserver or other person who catches his own fish shall fill out the receipt as required by this article The department may furnish and require a separate form for such cases

Master's report: Contents

8016. The master of any otter or beam trawl, and any person operating any paranzella net or similar gear in the public waters of this State, or taking fish by such net or gear without the State and bringing them into the State, shall keep a daily record in a book to be furnished by the department, which record shall state:

(a) The time and place of each haul made on each trip.

(b) The duration of the haul and approximate catch according to species or variety made in each haul.

(c) The time of the voyage.

(d) The total catch by species as weighed when landed.

If the owner of the vessel is a dealer, the information shall be kept on a form approved by the department.

On or before the fifteenth day of each month, a statement for the preceding month, on forms furnished by the department, shall be rendered to the department.

Owner's report Contents

8017. The owner or operator of a boat using any fishing gear shall also file with the department, on or before April 1st of each year, a complete statement of·

(a) The value of fishing gear and fishing equipment used or carried on such vessel

(b) The kind of nets, traps, lines or other apparatus used.

(c) The amount, length, size or number of pieces of different kinds of gear used by months or seasons during the preceding year.

The owner or operator shall also state as nearly as possible in what district, fishing grounds, or banks such gear was used.

Packer's report Contents

8018. Each packer shall, on or before the fifth day of each calendar month, file with the department a written report, on such form as may be prescribed by the department, containing a statement of the amount of fish received at each of his plants during the preceding calendar month. The report shall also state the amount of fish packed and the number and size of the containers of fish, fishery products and by-products packed, produced or reduced at each plant during the preceding calendar month. No person shall file any such report that is not true and correct.

Canners, processors, etc., reports Contents

8019. Any person operating under a fish canners and processors license or a wholesale fish dealers and preservers license shall report monthly to the department the total amount of fresh fish, in pounds, purchased, received, or taken by him for purposes other than human consumption in a fresh state, and of mollusks and crustaceans purchased, received, or taken by him during the preceding month, whether they are used fresh or otherwise.

8020. Blanks for the report required by Section 8019 shall be furnished by the department.

Due date

The report shall be rendered to the department not later than 15 days after the end of each month. It shall be accompanied by a statement of the licensee, or of someone on his behalf, to the effect that the report is true and correct. No person shall render any report that is not true and correct.

Fishery products report Contents

8021. Every person engaged in canning, curing, or preserving fish or manufacturing fishery products from fish or fish offal, shall render, on or before January 15th of each year, a statement for the preceding calendar year, on forms to be furnished by the department, showing:

(a) His name.

(b) The location of his plant.

(c) The kind of business.

(d) The amount of capital invested.

(e) The number of persons employed.

(f) The number of months in operation.

(g) The amount of each kind of fishery products canned, preserved, or manufactured.

Confidential information

8022. The receipts, reports, or other records filed with the department pursuant to the provisions of Articles 2 through 6 of this chapter, and the information contained therein, shall be confidential, and the records shall not be public records, and, insofar as possible, the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record or business of any person.

Article 7. Packing and Processing Licenses and Taxes

Licenses

8040. Every person engaged in any of the following businesses shall procure a license for each plant or place of business in which he so engages:

(a) Canning, curing, preserving, packing, or dealing at wholesale in fish taken from the waters of this State or brought into this State in a fresh condition.

(b) Manufacturing fish scraps, fish meal, fish oil, chicken feed, or fertilizer from fish or fish offal.

(c) Processing or dealing at wholesale in mollusks or crustaceans in compliance with the rules and regulations of the commission.

Privileges

8041. The licenses entitle the holders thereof to can, cure, preserve, or pack fish, to manufacture fish meal, fish oil, and other products from fish, and to deal in fish at wholesale, subject to the provisions of this code, from July 1st to June 30th of the year following, or, if issued after the beginning of such term, for the remainder thereof

Fees

8042. The annual fees for licenses issued pursuant to this article are:

(a) For a fish canners and processors license issued to any person engaged in canning fish, except frozen or cold-pack crustaceans, or manufacturing fish scraps, fish meal, fish oil, chicken feed, fertilizer, or other products from fish or fish offal, seventy-five dollars ($75).

(b) For a wholesale fish dealers and preservers license issued to any person preserving fish by the common methods of freezing, cold packing, drying, salting, pickling, or smoking, or dealing by wholesale in fish taken from the waters of this State or brought into this State in a fresh condition, twenty-five dollars ($25).

Any person engaged in activities covered by both subdivision (a) and subdivision (b) is required to hold only the license designated in subdivision (a).

Records

8043. Every person operating under a license issued pursuant to this article, and every other person dealing in fresh fish, shall keep a book or books in which shall be entered:

(a) A full and correct record, in the English language, of all fresh fish purchased or received by him from fishermen or taken by himself.

(b) The names of the different species.

(c) The number of pounds so received or caught of each different species.

(d) The name and address of the person from whom such fish were received.

The books shall be open at all times for inspection by the department.

Privilege taxes

8045. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay the following privilege tax:

(a) Five cents ($0.05) for each hundred pounds, or fraction thereof, of fish other than salmon, purchased, received, or taken by him.

(b) In the case of a person who receives salmon from fishermen one-half cent ($0.005) per pound based on the weight of the salmon in the round.

Fish so taken or received, other than salmon, mollusks, and crustaceans, which are utilized for human consumption in a fresh state shall not be subject to the tax.

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each hundred pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1959.

The money received shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

(Amended by Stats. 1957, Ch. 1459.)

[ORIGINAL SECTION]

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each hundred pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1957.

The money received shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

Tax payments

8047. Privilege taxes imposed by this article shall be paid monthly to the department within 30 days after the close of each month.

If any tax is not paid within 60 days after the close of the month for which it is due, a penalty equal to 10 percent of the tax shall be added to it.

Delinquencies

8048. If any privilege tax imposed by this article is not paid when due, the department may, within three years after the due date, file for record in the office of any county recorder a certificate specifying the amount and penalty due, the name and address, as it appears on the records of the department, of the person liable for the tax, and the fact that the department has complied with all provisions of this article in the determination of the amount required to be paid.

Lien

8049. From the time of the filing for record, the amount required to be paid and any penalty added to it, constitutes a lien upon all real property in the county then owned by the person liable or thereafter, and before the expiration of the lien, acquired by him.

Effect

8050. The lien has the force, effect, and priority of a judgment lien, and shall continue for five years from the time of the filing of the certificate, unless sooner released or otherwise discharged.

Extension

8051. The lien may, within five years from the date of the filing of the certificate, or within five years from the date of its last extension, be extended by filing for record a new certificate in the office of the county recorder of the county, and from the time of such filing the lien shall be extended to the real property in such county for five years, unless sooner released, or otherwise discharged.

Release

8052. The department may at any time release all or any portion of the property subject to any lien provided for in this article from the lien or subordinate the lien to other liens and encumbrances, if it determines that the amount of tax and any penalty added are sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the tax and penalty.

Salmon propagation

8055. All moneys received as a privilege tax from persons who receive salmon from fishermen under the provisions of this article shall be used only for the purpose of propagating salmon.

Use of moneys

8056. Except as otherwise provided in this article, all moneys collected pursuant to this article shall be paid to the department, and shall be expended for the patrol of packing plants, inspection and regulation of the fishing industry, and conservation work for the benefit of the commercial fishing industries.

Article 8. Reduction Permits

Permit

8075. The commission may grant a permit, subject to such regulations as it may prescribe, to take and use fish by a reduction or extraction process.

Depletion, etc., of species

8076. No reduction of fish shall be permitted which may tend to deplete the species, or result in waste or deterioration of fish.

Hearing

8077. No permit shall be issued except after a public hearing and a finding by the commission that the granting thereof would promote the economic utilization of the fish resources of the State in the public interest. In making such finding the commission shall take into consideration the interest of the people of the State in the utilization and conservation of the fish supply and all economic and other factors relating thereto, including the efficient and economical operation of reduction plants.

Permit limits

8078. A hearing pursuant to this article shall be held within 30 days after application for a permit, upon such notice as the commission shall prescribe. The commission may extend such a hearing from time to time for a total period of not more than 30 days.

Permit limits

8079. The commission shall, whenever necessary to prevent overexpansion, to insure the efficient and economical operation of reduction plants, or to otherwise carry out the provisions of this article, limit the total number of permits which are granted.

Courts

8080. Nothing in this article restricts the power of any court in any proceeding relating to any matter arising out of the provisions of this article.

Article 9. Yellowtail Canning

Canning limitation

8100. During each of the 12-month periods beginning with July 1, 1955, and July 1, 1956, the total amount of yellowtail which may be taken or received for commercial canning purposes shall be not more than 3,000 tons in the round.

Landing trends

8101. From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed The department shall estimate from the current trend of landings the prospective date on which the season's quota will be reached and shall recommend that date to the commission as the closing date of the season for yellowtail canning

Publicity

8102. The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season. However, if the quota is not reached by the date announced, the department may permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first

Season

8103. No person shall take or receive yellowtail for canning between the announced date and the next following first day of July In the absence of any announcement that the total will be reached before the end of the 12-month period, yellowtail canning may continue until the end of the 12-month period.

Quota excess

8104. In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

Personal canning

8105. Nothing in this article shall prohibit the canning of yellowtail for the personal use of fishermen, but no such canned yellowtail may be sold.

Yellowtail for personal noncommercial canning is not included in the total tonnage allowed for commercial canning

Regulations

8106. The commission may adopt regulations pursuant to the provisions of this article to govern the termination of the yellowtail canning season.

CHAPTER 2. PARTICULAR VARIETIES OF FISH

Article 1. General Season

General season

8140. All fish, the taking of which is not prohibited for commercial purposes, and for which a season is not otherwise specified, may be taken at any time for commercial purposes.

Article 2. Sardines

Taking and possession

8150. Sardines may be taken and possessed at any time for bait, or for sale or consumption as fresh fish, but it is unlawful to can any sardines taken under the provisions of this section.

Reduction plants and packers

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and December 31st, inclusive.

(b) Elsewhere in the State, except in Districts 19A and 20 where they may not be so taken, between August 1st and December 31st.

(Amended by Stats. 1957, Ch. 778.)

[ORIGINAL SECTION]

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between October 1st and February 1st, inclusive.

(b) Elsewhere in the State, except in Districts 19A and 20 where they may not be so taken, between August 1st and January 15th.

Season

8152. Sardines may be taken at any time after June 1, 1959, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight. In such 10-ounce cans, fish of a size not less than eight to the can shall be used.

(Amended by Stats. 1957, Ch. 778.)

[ORIGINAL SECTION]

8152. Sardines may be taken at any time after June 1, 1957, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight. In such 10-ounce cans, fish of a size not less than eight to the can shall be used.

Canners' reduction quota

8154. Any person engaged in canning sardines may take and use in a reduction plant 32½ percent of the amount of sardines actually received at his canning plant during each calendar month.

Equivalent weights

8155. In determining the percentage of sardines that may be used for reduction purposes by a cannery, it shall be deemed that a ton of sardines suitable in size and condition for canning will produce 960 one-pound oval cans of sardines, or the equivalent if other size cans are used.

Preservation by drying, etc.

8156. A person engaged in preserving sardines by the common methods of drying, salting, smoking, or pickling may use in a reduction plant or by a reduction process such sardines, or fish delivered mixed with sardines, as are unfit for drying, salting, smoking, or pickling, which are not intentionally taken into the plant in a condition unfit for processing for human consumption.

Fish as equivalent

8157. Fish which are mixed with sardines when delivered to the packer are the equivalent of sardines and shall be included within the percentage of the total amount of sardines received by the packer during the calendar month.

Separation

8158. Except during the time when sardines may be taken for use in a reduction plant or by a packer pursuant to Section 8151, loads or lots of fish taken by or for a packer may contain 10 percent or less by weight of sardines. Such sardines shall be separated from such load or lot and may be used by a packer, if 648 one-pound oval cans of sardines are packed per ton of sardines, or the equivalent if other cans are used.

Article 3. Anchovies

Point Mugu

8180. In any district or part of a district lying south of a line drawn east and west through Point Mugu, anchovies may be taken in any quantity for bait or for human consumption in a fresh state, or, by contract with the department, for hatchery food, not to exceed 500 tons per year.

Possession, sale, etc

8181. Anchovies taken south of that line in waters not less than three nautical miles from the nearest point of land on the mainland shore, and anchovies taken north of that line in any waters, may be possessed, transported, sold, or otherwise dealt with in any district or part of a district south of that line.

Registration numbers

8182. The operator of any boat engaged in taking anchovies in waters south of the line described in Section 8180 shall at all times while operating such boat identify it by displaying on an exposed part of the superstructure, amidships on each side and on top of the house visible from the air, the Department of Fish and Game registration number of the boat, in 14-inch black numerals on white background.

Total limit

8183. During the period from April 1, 1956, to March 31, 1957, the total amount of anchovies which may be taken or received for canning, including canned pet food, shall be not more than 35,000 tons.

Announcement of trends

8184. From time to time the department shall make public announcement of the landing trends in order that all interested groups may be informed. The department shall estimate from the current trend of landings the prospective date on which the season's quota, as fixed by Section 8183, will be reached, and shall recommend that date to the commission as the closing date of the season for anchovy canning.

Publicity

8185. The department shall inform the commission and publicly announce the date when the season should be closed, and on that date the commission shall close the season. If, however, the quota fixed by Section 8183 is not reached by the date announced, the department may permit continuation of fishing for a period not to exceed 10 days or until the quota is reached, whichever occurs first.

Season

8186. No person shall take or receive anchovies for canning between the announced closing date and the next following first day of April. In the absence of any announcement that the quota fixed by Section 8183 will be reached before the end of the specified season, anchovy canning may continue until the end of the season specified.

Quota excess

8187. In the event that cannery receipts should exceed the quota specified between the time the announcement is made and the effective date for closure, no penalty shall accrue.

Length of weight

8188. No anchovies less than five inches in length measured from tip of snout to tip of tail may be purchased for any purpose except for use as bait but the allowable percentage of undersized anchovies which may be contained in any load or lot purchased shall be not more than 25 percent by weight of all anchovies in the load or lot.

Regulation

8189. The commission may adopt regulations pursuant to the provisions of Sections 8183 to 8188, inclusive, to govern the termination of the anchovy canning season and the manner in which the percentage of undersized anchovies will be determined.

Article 4. Salmon

Seasons and limits

8210. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19 under the authority of a commercial fishing license, salmon may be taken only by hook and line and only between April 15th and September 15th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

(Amended by Stats. 1957, Ch. 74.)

[ORIGINAL SECTION]

8210. In Districts 6, 7, 10, 11, 15, 16, 17, and 18 salmon may be taken only by hook and line and only between May 1st and September 30th.

There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail

8211. In Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19, under the authority of a commercial fishing license, king salmon may be taken only by hook and line and only between April 15th and September 15th. Silver salmon may be taken only by hook and line and only between July 1st and September 15th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

Effective date

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 2361 and 8210 are effective insofar as commercial fishing is concerned.

Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that laws or regulations prohibiting the taking of salmon as described are in effect, the Secretary of State of California shall notify the department that this section is in effect for the year concerned. In order for this section to be effective such notification shall be made prior to April 15th of each year.

(Amended by Stats. 1957, Ch. 74.)

[ORIGINAL SECTION]

8211. In Districts 6, 7, 10, 11, 15, 16, 17, and 18, king salmon may be taken only by hook and line and only between May 1st and September 30th, and silver salmon may be taken only by hook and line and only between July 1st and September 30th There is no bag limit No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 2361 and 8210 are effective insofar as commercial fishing is concerned

Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that laws or regulations prohibiting the taking of salmon as described are in effect, the Secretary of State of California shall notify the department that this section is in effect for the year concerned. In order for this section to be effective such notification shall be made prior to April 15th of each year.

Sales and transportation

8212. It is unlawful to sell any salmon taken in District 8 or 9.

Salmon lawfully taken in Districts 6, 7, 10, 11, 15, 16, 17 and 18 may be transported through District 8 or 9 and may be sold, except that salmon may not be sold, possessed, or transported through Districts 8 and 9 between January 1st and April 30th.

Sale under regulation

8213. During the period when salmon may not be taken for commercial purposes in any district, salmon may be sold in that district only under the regulations of the commission.

Humboldt Bay

8214. It is unlawful to take salmon for commercial purposes at the mouth of Humboldt Bay in those portions of Districts 6 and 7 within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of that bay.

Closed seasons

8215. Salmon may not be sold or possessed in, or transported through, District 6, 7, 10, 11, 15, 16, 17, or 18, during the time when the taking of salmon for commercial purposes is unlawful in those districts.

8216. In Districts 12, 12B, and 13, salmon may not be sold at any time when fishing with nets is prohibited in those districts.

Salmon taken by commercial fishermen in Districts 12, 12B, and 13 shall not be canned.

Sales

8217. Salmon may be sold subject to the exceptions and restrictions contained in this article.

King or silver salmon

8218. It is unlawful to gaff, club, or otherwise injure any king or silver salmon under the legal size.

Smith and Klamath Rivers

8219. Salmon may not be taken for commercial purposes in District 6 at the mouths of the Smith and Klamath Rivers within three nautical miles north and south of a line drawn due west for three nautical miles from the center of the mouth of each of those streams, or during the months of August and September in District 7 at the mouth of the Eel River within two nautical miles north and south of a line drawn due west for two nautical miles from the center of the mouth of that stream.

Netting salmon

8220. It shall be unlawful for any person to take by the use of any type of net, any salmon within the waters of the Pacific Ocean over which the State has jurisdiction This section does not apply to such waters within Districts 12B and 16.

(Added by Stats. 1957, Ch. 424.)

Same

8221. It shall be unlawful for any citizen of this State to take by the use of any type of net, any salmon within the international waters of the Pacific Ocean.

"International waters" means waters outside the territorial boundaries of any state, territory, or country.

A "citizen of this State" means a person who maintains his usual place of abode within the State.

(Added by Stats 1957, Ch. 424.)

Possession and transportation of salmon

8222. It is unlawful for any person to transport through the Pacific Ocean waters of the State or to have in his possession anywhere within the State, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this State or of another state, territory or country where fishing for salmon with nets is unlawful, and it is unlawful for any person to possess any salmon on board any vessel carrying any net within Pacific Ocean waters of this State. The provisions of

this section do not apply to waters within Districts 12B and 16 nor to the use of bait gill nets with meshes less than two inches in length or to hand dip nets, or to salmon taken lawfully under the authority of any state, territory or country.

(Added by Stats. 1957, Ch. 424.)

Operation

8223. The intent of Sections 8220, 8221, and 8222 of this code is to give effect to the recommendations of the Pacific Marine Fisheries Commission in providing comparable regulations coast-wide for salmon only. These sections shall become inoperative one year from their effective date, unless laws or regulations are in effect in Oregon, Washington and Canada which are determined by the director to be in substance or effect similar either to Sections 8220 and 8221 or to the provisions of Section 8222 relating either to transportation or to possession. The director shall announce his determination within 30 days of receiving notification from the Secretary of State that copies of such laws or regulations have been received by the Secretary of State. Each year, on or before April 15th, the director shall ascertain whether or not such laws or regulations are still in effect. If they are still in effect, Sections 8220, 8221, and 8222 shall remain operative. If they are not in effect, these sections shall be inoperative from April 15th of the year in which such determination is made. The laws or regulations shall be considered to be in effect initially upon receipt by the Secretary of State of a certificate from each of the respective Secretaries of State of Oregon and Washington and, on behalf of Canada, from the Department of State of the United States, setting forth copies of such laws or regulations and the date of the enactment.

In any prosecution under Sections 8220, 8221, and 8222, proof of the existence of such laws and regulations may be made by filing copies of such certificates, certified by the director to be true copies, with the court.

(Added by Stats. 1957, Ch. 424.)

Netting for scientific use

8224. None of the provisions of Sections 8220, 8221, and 8222 shall be construed to make it unlawful to use nets for the taking of salmon for purposes of scientific investigation authorized by the State.

(Added by Stats. 1957, Ch. 424.)

Article 5. Lobster

"Spiny lobster"

8250. As used in this code, "spiny lobster" refers to the species Panulirus interruptus.

Season

8251. Spiny lobsters may be taken only between October 1st and March 15th.

Size

8252. No spiny lobster less than three and one-quarter inches in length measured in a straight line from the rear edge of the eye socket to the rear edge of the body shell, both points to be on the mid-line of the back, may be taken, possessed, purchased, or sold.

Preserving

8253. It is unlawful to pickle, can, or otherwise preserve any spiny lobster, but spiny lobsters may be preserved by freezing and may be cooked for consumption in the fresh state.

Article 6. Crab

"Crab"

8275. As used in this article, "crab" refers to the species Cancer magister.

Seasons Districts

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 15th.

(b) Crabs may be taken in all other districts only between November 15th and May 31st.

Crescent City Harbor

(c) 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.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature.

(Amended by Stats. 1957, Ch. 201.)

[ORIGINAL SECTION]

8276 Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and June 30th

(b) Crabs may be taken in all other districts only between November 15th and May 31st.

(c) 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

Seasons Districts

8277. Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 31st. Crabs may be taken in all other districts only between November 15th and July 31st.

Size

8278. No crab less than seven inches in breadth, and no female crab, may be taken, possessed, bought, or sold. Crabs shall be measured across the back from point to point.

Sales From prohibited areas

8279. It is unlawful to sell any crab taken in any of the following waters:

(a) The Eel River and its tributaries between the Pacific Ocean and the west line of Sec. 35, T. 3 N., R. 1 W., H. B. & M.

(b) The Pacific Ocean within a radius of one mile from the mouth of the Eel River.

(c) Humboldt Bay, including the entrance of that bay, and the Pacific Ocean within a radius of one mile from the extreme western point of the north jetty at the entrance of

the bay and for a radius of one mile from the extreme western point of the south jetty at the entrance of the bay.

(d) Trinidad Bay, that bay being the body of water within the area inclosed by a line running southeasterly from the westernmost point of Trinidad Head to the mouth of Luftenholtz Creek.

(e) Bodega Lagoon.

Sale Possession, etc

8281. Crab meat and frozen whole crabs or parts thereof, which are taken during the open season, may be possessed, transported, and sold at any time, subject to the regulations of the commission The cost of inspection and marking, under the regulations of the commission, shall be paid by the owner or seller of such crab meat, crabs, or parts thereof.

(Amended by Stats. 1957, Ch. 851.)

[ORIGINAL SECTION]

8281. Crab meat and cooked frozen whole crabs or parts thereof, taken during the open season, may be possessed, transported, and sold at any time, subject to the regulations of the commission. The cost of inspection and marking, under the regulations of the commission, shall be paid by the owner or seller of such crab meat, crabs, or parts thereof

Crab traps

8282. On and after the opening date of the 1957-58 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.

(Added by Stats. 1957, Ch. 201)

Article 7. Abalones

Season

8300. Pink abalones (Haliotis corrugata), red abalones (Haliotis rufescens), black abalones (Haliotis crakerodie), and green abalones (Haliotis fulgens) may be taken only between March 16th and January 14th.

Shells

8301. Abalones shall be brought ashore above high-water mark attached to the shell and alive. Except as otherwise provided, abalones not in the shell may not be transported nor possessed, except when being prepared for immediate consumption.

Food purposes

8302. Abalones may be taken only for food purposes, except as specifically authorized to be taken for bait purposes, and may not be dried.

Means of taking

8303. It is unlawful to use any device or apparatus, other than diving equipment, more than 36 inches in length to take abalones. Spears or gaff hooks may not be used for the purpose of taking abalones.

Size

8304. It is unlawful to take any abalone, the shell of which, measured in 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.

Commercial purpose

8305. In Districts 6, 7, 15, 16, 17, 19A, and 118, and in District 10 north of Point Lobos, and in waters less than 20

feet deep in other districts, it is unlawful to take abalone for commercial purposes.

Permit

8306. Abalones may not be taken for commercial purposes except under a revocable permit issued by the department under such regulations as the commission shall prescribe.

Means of taking Districts

Diving apparatus may be used to take abalones in water not less than 20 feet in depth in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and Little Harbor, and in Districts 18, 19, and 20A, and in District 10 only in the waters lying south of Point Lobos. It is unlawful to take black abalones for commercial purposes, along the mainland coast, except as otherwise specifically authorized by this article.

Black abalone

8307. In District 19, within one mile of the shores of Anacapa, Santa Cruz, Santa Rosa, Santa Barbara, San Nicolas, San Clemente, and San Miguel Islands, black abalones may be taken during the season for lobsters as defined in Section 8251 for use as bait in lobster traps.

Abalones so taken may not be brought to the mainland or to Santa Catalina Island at any time.

There is no bag limit on black abalone so taken, but no black abalone shall be taken under this section the shell of which measures less than five inches in greatest diameter

Effective date

8308. The provisions of this section and Sections 8309 to 8316, inclusive, shall remain in effect only until the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature.

While these sections are in effect Sections 8300, 8304, 8305, and 8306 shall not be operative.

All provisions of Section 8311 relating to District 18 shall apply to the area described in Section 11039 as District 118.

Season

8309. Abalones may be taken only between March 16th and January 14th.

Commercial Purposes

8310. Abalones may not be taken for commercial purposes except under such 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 19A, 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 Districts

8311. 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 20A, 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 north-

westerly 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. The Farallon Islands and San Clemente Islands are included in paragraph (a) only.

Commercial abalone fishing

8312. It is further provided that in those areas specified in subdivision (b) of Section 8311, no commercial abalone fishing may be conducted within 150 feet of land. When conducting commercial abalone fishing operations in those areas specified in subdivision (b) of Section 8311, neither boat nor diver shall operate in water less than 20 feet deep nor less than 150 feet from any point on shore.

Black abalone may not be taken commercially in those areas specified in subdivision (b) of Section 8311.

Size

8313. 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.

Abalone boat registration

8314. 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. Upon such payment the department shall issue an abalone boat registration certificate, which shall be valid for the period specified for abalone fishing as prescribed in Section 8309, or, if issued after the beginning of the period, 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. The certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

Use of moneys

8315. All money collected under the provisions of Section 8314 shall be used exclusively for conducting scientific investigations on abalones.

Unregistered operations

8316. No person shall operate or assist in operating any boat for the purpose of taking abalones commercially unless it is registered pursuant to Section 8314.

Possession

8317. Abalones legally taken may be possessed in a sliced condition during the closed season, subject to such regulations as the commission may prescribe.

Article 8. Clams and Other Mollusks

Seasons

8340. Except as otherwise provided in this article, in Districts 8, 9, and 17, clams may be taken between September 1st and April 30th, and in other districts clams may be taken at any time.

Seasons, size, limit, etc

8341. All of the species of clams commonly known as littlenecks, chiones and hard-shell cockles, including thin-shelled littleneck, common littleneck, Japanese littleneck, rough-sided littleneck, smooth chione, wavy chione, and banded chione, may

be taken at any time, except in the waters of Marin County, where they may be taken only between September 1st and March 31st.

No such clams measuring less than one and one-half inches in greatest diameter may be taken, possessed, transported, or sold.

The bag limit on such clams is 50 per day, in the aggregate. Not more than one daily bag limit of such clams may be possessed by any person during one day.

Clams of the species herein designated which are of legal size as herein provided, when taken outside the State and brought within the State pursuant to this code, may be possessed, transported, and sold without restriction.

Bag limits

8342. In Districts 1½, 8, and 9 the bag limit on Washington clams and gapers, sometimes known as bigneck clams, is 25 in the aggregate. In all other districts the bag limit is 10 Washington clams and 10 gapers.

Not more than the prescribed daily bag limit may be possessed by any person during one day, except that a market or restaurant, where clams are sold to the public, may possess any number of Washington clams and gapers legally taken.

In Districts 8 and 9 the holder of a commercial fishing license who has in his possession a current daily written order for clams issued by a fish dealer or restaurant may possess any number of Washington clams and gapers legally taken up to but not exceeding the number specified in the order.

Razor clams

8343. No northern razor clams (Siliqua patula) may be sold; but if taken outside the State and brought within the State, they may be possessed, transported, and sold without restriction.

Mussels

8344. Mussels (Mytilus californianus) may be taken at any time.

Scallops

8345. It is unlawful for any person to sell or purchase any rock scallops (Hinnites multirugosus) or scallops (Pecten circularis).

Pismo clams

8346. It is unlawful for any person to sell or purchase any pismo clams taken in this State.

Article 9. Salt-water and Anadromous Fish Generally

Striped bass

8370. Any striped bass taken in any type of nets in any districts shall be liberated from the nets by the fishermen.

Striped bass necessarily taken aboard a boat to free them from a net shall be handled carefully and shall be returned to the water immediately unharmed.

A holder of a commercial fishing license may not have in his possession, except when releasing fish from the net, any striped bass at any time when conducting netting operations or when going to or from such operations.

Possession, sale, etc

8371. It is unlawful to buy or sell striped bass or parts thereof, or to possess striped bass or parts thereof in any fish bait store or fish market where fish are bought, possessed, or

sold, or in any restaurant or other eating establishment where food is offered for sale to the public, or in any truck or other conveyance operated by or for a fish dealer.

Kelp, bass, etc.

8372. No kelp bass, sand bass, or spotted bass, all of the genus Paralabrax, may be sold or purchased; except that such fish may be imported into this State pursuant to Article 1 (commencing with Section 2345) of Chapter 4 of Division 3, and may be sold under such regulations as the commission may prescribe. It is unlawful to take, possess or sell any fish less than 10½ inches in length of the species enumerated herein.

Sale or purchase. Seabass, etc

8373. No California black seabass, spotted bass, calico bass, yellowfin croaker, spotfin croaker, golden croaker, California whiting, sturgeon, or California corbina may be sold or purchased except sturgeon imported pursuant to Section 2363.

Tuna

8374. Yellowfin tuna and bluefin tuna may be taken at any time.

Weight

8375. No yellowfin tuna or bluefin tuna weighing less than 7½ pounds may be sold, purchased, or processed.

(Amended by Stats. 1957, Ch. 902.)

[ORIGINAL SECTION]

8375. No yellowfin tuna or bluefin tuna weighing less than 7½ pounds or more than 150 pounds may be sold.

Albacore

8376. Albacore may be taken at any time.

8377. No albacore weighing less than seven pounds may be sold, purchased, or processed.

(Amended by Stats. 1957, Ch. 902.)

[ORIGINAL SECTION]

8377. No albacore weighing less than seven pounds may be sold.

Skipjack

8378. Skipjack may be taken at any time.

8379. Skipjack weighing less than four pounds may not be sold, purchased, or processed.

(Amended by Stats. 1957, Ch. 902.)

[ORIGINAL SECTION]

8379. Skipjack weighing less than four pounds may not be sold.

Salt water eel

8380. In District 3 no salt water eel (family Blenniidae) less than 12 inches in length may be taken or possessed, nor may more than 15 salt water eels be taken or possessed in that district during one day.

Grunion

8381. It is unlawful to take grunion (Leuresthes tenuis) except between June 1st and March 31st.

Barracuda, yellowtail, etc.

8382. White seabass, barracuda, and yellowtail not less than 28 inches in length may be taken with hook and line at any time.

Size

8384. No white seabass, barracuda, or yellowtail less than 28 inches in length may be sold or purchased, except that not more than five of each fish per day may be possessed by the holder of a commercial fishing license for noncommercial use if taken incidentally in commercial fishing.

Bag limit

8385. No person holding a commercial fishing license while on any barge or boat which for hire carries any sport fisherman may take or have in his possession in any one day more than the aggregate number of the following kinds of fish permitted in the case of sport fishing: bluefin tuna, yellowfin tuna, skipjack, yellowtail, marlin, broadbill swordfish, black seabass, albacore, barracuda, white seabass, bonito, rock bass, kelp bass, California halibut, California corbina, yellowfin croaker, and spotfin croaker.

Measurement

8386. White seabass, barracuda, and yellowtail shall be measured from the tip of the lower jaw to the end of the longest lobe of the tail.

Weight limits

8387. It is unlawful between May 1st and August 31st for any one person to have in his possession on any boat, barge, or other vessel, more than 500 pounds of yellowtail, or 1,000 pounds of white seabass.

Between May 1st and August 31st, not more than 2,500 pounds of yellowtail nor more than 5,000 pounds of white seabass may be possessed on any boat, barge, or other vessel at any one time.

This section does not apply to yellowtail or white seabass taken in waters lying south of the international boundary line between the United States and Mexico extended westerly into the Pacific Ocean.

Soupfin sharks

8388. It is unlawful to take soupfin sharks in waters less than 25 fathoms in depth.

Soupfin sharks may be taken only by hook and line or by gill nets with meshes not less than 9½ inches.

Any person who takes soupfin sharks shall keep and submit such records as may be prescribed by the commission.

Halibut

8391. California halibut (Paralichthys californicus) may be taken at any time.

Weight

8392. No California halibut which weighs less than 4 pounds each in the round, or less than 3½ pounds each dressed with the head on, or less than three pounds each dressed with the head off, may be taken, possessed, or sold. The holder of a commercial fishing license may possess during one day for noncommercial use not more than a total of 30 pounds of California halibut of less than such minimum weights if taken incidentally in commercial fishing.

Marlin meat

8393. Marlin meat, whether fresh, smoked, canned, or preserved by any means, shall not be bought or sold, or possessed or transported for the purpose of sale.

Swordfish

8394. Swordfish may be taken with hook and line and harpoon.

Surf perch

8395. 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 that line, surf perch may not be taken for commercial purposes. Surf perch which have been taken north of the line during the open season, and shipped south of the line may be sold

or purchased under such regulations as the commission may prescribe.

8396. Shrimps may be taken at any time for fresh market purposes. Shrimps

It is unlawful to dry shrimps, except that unmarketable shrimps unavoidably taken in Districts 11, 12, and 13 in fishing for the fresh market may be dried.

Not more than 50 percent of a load of shrimps brought in by any boat may be dried.

Article 10. Fresh-water Fish Generally

8430. Except as otherwise provided in this article, it is unlawful to sell or purchase any species of trout. Trout Sale or possession

8431. Dolly Varden or steelhead trout from without the State may be possessed and sold within the State when they are inspected and tagged in accordance with regulations prescribed by the commission. The cost of such inspection and tagging shall be paid by the person submitting the trout for such inspection and tagging. Dolly Varden or steelhead

8432. Steelhead trout from without the State may not be sold or possessed in District 1½ in excess of the daily bag limit on steelhead trout for that district. Steelhead District 1½

8433. Nothing in this article applies to trout raised under the provisions of this code authorizing and regulating the raising and selling of domesticated trout. Domesticated trout

8434. It is unlawful to sell or purchase any fresh, canned, or cured fish taken in the Klamath River District or in the waters of the Smith River. Klamath or Smith Rivers

8435. No catfish may be sold, except that catfish imported from without the State and domesticated catfish tagged in accordance with this section or packaged in accordance with regulations which may be prescribed by the commission may be sold at any time. If tags are attached to the catfish they shall be plastic or metallic tags obtained from the department at one cent ($0.01) for each tag. One tag shall be affixed to each catfish, and shall remain so affixed until the fish has been prepared for consumption. No tag shall be used more than once. Catfish

(Amended by Stats. 1957, Ch. 1380.)

[ORIGINAL SECTION]

8435. No catfish may be sold, except that tagged catfish imported from without the State, and domesticated catfish, may be sold at any time. Imported catfish and domesticated catfish shall be tagged with metallic tags obtained from the department at one cent ($0.01) for each tag. One tag shall be affixed to each catfish, and shall remain so affixed until the fish has been prepared for consumption. No tag shall be used more than once.

8436. No fish of the family Centrarchidae (Sacramento perch, crappie, black bass and sunfish) may be sold or purchased. Limitation

8437. Between July 15th and March 14th shad and shad roe may be sold only under regulations of the commission. Shad and shad roe

Article 11. Fresh-water Fish for Bait

License

8460. Any person engaged for profit in the taking, transporting, or selling of live fresh-water fish for bait shall first obtain from the department a live fresh-water bait fish license to possess such fish for such purposes. The commission may prescribe regulations governing such licenses.

A license shall be issued for a calendar year, or, if issued after the beginning of such term, for the remainder thereof, and may be revoked for a violation of the terms thereof.

Such a license is not required for the raising, possession, or sale of live fresh-water fish for bait under authority of a domesticated fish breeder's license.

The provisions of this code on commercial fishing, packing, or processing licenses, on reports by persons engaged in the commercial fish industry, and on statements required by owners or operators of fishing boats, shall not apply to the taking, transporting, or selling of live fresh-water fish for bait.

Fee

8461. The annual license fee for a live fresh-water bait fish license is ten dollars ($10) for each person.

Shiners, minnows, etc.

8462. A license issued under Section 8460 shall authorize the taking of only golden shiners, fathead minnows and such other species as the department may designate, under such regulations as the commission may prescribe. The commission may prohibit in any part or all parts of the State the possession alive of any species of fish which it considers a potential threat to the fisheries of the State by reason of possible escape and establishment.

Traps

8463. Traps not over 24 inches in greatest length nor more than 12 inches in greatest depth or width, or seines of not over ½-inch mesh stretched measure and not more than 4 x 30 feet in size, may be used for the taking of fish of the carp and minnow family (family Cyprinidae), suckers (family Catostomidae), sculpins (family Cottidae), or mosquito fish (genus Gambusia). Such traps may be used only in lakes and impounded waters. Such seines may be used only in lakes, impounded waters, and conduits.

Fish taken as provided in this section may be sold only as bait. Fish other than those named in this section that may be taken in such traps or seines shall be released and returned unharmed to the water wherein taken.

Chapter 3. Nets

Article 1. Generally

Set nets

8601. Any net or line that is fast in any way and is not free to drift with the tide or current is a set net or set line. Any net so placed that it will catch or impound fish within a bight, bay, or estuary, or against the shore upon the receding of the tide is a set net. Fyke nets, shrimp nets, or crab nets shall not be considered set nets.

8602. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them inside the knots while they are simultaneously drawn closely together. Mesh

8603. It is unlawful to use or operate or assist in using or operating any net, trap, line, spear, or appliance, other than in connection with angling, in taking fish, except as provided in this chapter or Chapter 4 of this part. Application

8604. It is unlawful wilfully to disturb or injure any net which is being legally used in the waters of this State. Disturbing or injuring nets

This section does not apply to employees of the department while they are engaged in the performance of their official duties.

8605. The department or any person authorized by it may use any net or other appliance in any district for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or floodwaters. Fish recovery

Article 2. Nets for Particular Varieties of Fish

8620. (Repealed by Stats. 1957, Ch. 960.)

[ORIGINAL SECTION]

8620. In District 12B, salmon may be taken with nets allowed to be used in the district during the following periods:
(a) Between November 15th and June 15th.
(b) Between August 10th and sunrise on September 26th.

8621. (Repealed by Stats. 1957, Ch. 960.)

[ORIGINAL SECTION]

8621. It is unlawful to use any net to take salmon between sunrise of any Saturday and sunset of the following Sunday.

8622. (Repealed by Stats. 1957, Ch. 960.)

[ORIGINAL SECTION]

8622. In District 12B, shad may be taken with nets allowed to be used in the district, between April 5th and May 31st. Such nets may not be used between sunrise Saturday and sunset of the following Sunday.

8623. It is unlawful to use any purse seine or round haul net to take yellowtail, barracuda, or white sea bass. Yellowtail, sea bass, etc

It is unlawful to possess any yellowtail, barracuda, or white sea bass, except those taken south of the international boundary between the United States and Mexico, and imported into the State under regulations of the commission as provided in Section 2362, on any boat carrying or using any purse seine or round haul net including, but not limited to, a bait net as described in Section 8780.

Gill nets with meshes of a minimum length of 3½ inches may be used to take yellowtail, barracuda, and white sea bass.

Notwithstanding the provisions of this section, the department may issue permits to hook and line commercial fishermen

to possess a bona fide bait net on their vessels for the purpose of taking bait for their own use only.

(Amended by Stats. 1957, Ch. 2057.)

[ORIGINAL SECTION]

8623. It is unlawful to use any purse seine or round haul net to take yellowtail, barracuda, or white seabass.

It is unlawful to possess any yellowtail, barracuda, or white seabass, except those taken south of the international boundary between the United States and Mexico, and imported into the State under regulations of the commission as provided in Section 2362, on any boat carrying or using any purse seine or round haul net other than a bona fide bait net as described in Section 8780.

Gill nets with meshes of a minimum length of 3½ inches may be used to take yellowtail, barracuda, and white seabass.

Article 3. Seizure

Public nuisance, seizure, etc

8630. Any net or trap used for taking fish in violation of the provisions of this code is a public nuisance. It is the duty of every person authorized to make an arrest for such violation to seize and keep such net and report the seizure to the department.

The department shall commence proceedings in the superior court of the county or city and county in which the seizure is made by petitioning the court for a judgment forfeiting the net. Upon the filing of such petition, the clerk of the court shall fix a time for a hearing and cause notices to be posted for 14 days in at least three public places in the place where the court is held, setting forth the substance of the petition and the time and place fixed for its hearing. At such time the court shall hear and determine the proceeding, and upon proof that the net was used in violation of this code shall order it forfeited. Any net so forfeited shall be sold or destroyed by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund.

In lieu tagging

8631. In lieu of a physical seizure pursuant to this article, any person authorized to make an arrest for a violation of any provision of this code, may attach to any net used for taking fish in violation of this code a tag of metal or other material, which shall be adopted by the department for this purpose and furnished to such person. The tag shall be impressed or printed with language stating that the net to which it is attached is thereby seized by the department as a public nuisance. The act of attaching such tag shall be a seizure within the meaning of this section.

Removal of a tag attached to any net pursuant to this section by any person other than a person authorized by the department, or the use of any such net by any person for fishing purposes, unless authorized by the department or by the superior court, is a misdemeanor.

Removal of net

8632. Within three days after the department has been notified in writing that a vessel carrying a seized net has arrived in port, the department shall remove the net from the vessel, unless the owner has furnished a bond in accordance

with Section 8633. The notice shall be sufficient when delivered to the patrol office of the department nearest to the port at which the vessel has arrived.

Bond

8633. When any net is seized pursuant to this article, the owner or any other person otherwise entitled to possession of the net may apply to the superior court of the county or city and county in which the seizure was made, or the county or city and county of which the claimant is a resident, for leave to file a bond and regain possession of the net during the pendency of the proceedings. The bond shall be in an amount determined by the judge to be the actual value of the net at the time of its release. It shall be filed within three days after the seizure of the net, and shall be conditioned upon the return of the net to the custody of the department in the event the net is ordered forfeited. Upon filing the bond, the person on whose behalf it is given shall be put in possession of the net and may use the net until it is finally ordered delivered up and forfeited, if such be the judgment of the court.

(Amended by Stats. 1957, Ch. 632.)

[ORIGINAL SECTION]

8633. When any net is seized pursuant to this article, the owner or any other person otherwise entitled to possession of the net may apply to the superior court of the county or city and county in which the seizure was made for leave to file a bond and regain possession of the net during the pendency of the proceedings. The bond shall be in an amount determined by the judge to be the actual value of the net at the time of its release. It shall be filed within three days after the seizure of the net, and shall be conditioned upon the return of the net to the custody of the department in the event the net is ordered forfeited. Upon filing the bond, the person on whose behalf it is given shall be put in possession of the net and may use the net until it is finally ordered delivered up and forfeited, if such be the judgment of the court.

Delivery

8634. When any net is seized pursuant to this article and the owner or any other person otherwise entitled to possession of the net has filed a bond and regained possession of the net, the person in possession of the net, when in the judgment of the court the net is ordered forfeited, shall deliver the net to the department by removing the net from the boat and placing in a warehouse or storage designated by the department.

Article 4. Nets Generally in Particular Districts

Piers, wharves, etc

8660. Nothing in this chapter authorizing the use of nets in District 19, 19A, or 19B shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 8870.

Carrying nets

8661. Vessels may carry nets across Districts 19A and 20 to open water outside those districts. Vessels carrying nets may enter harbors in Districts 19A and 20 only in cases of distress or emergency.

Sardines

8662. Nothing in this chapter authorizing the use of nets in District 15 shall make it lawful to use any net in that

district during the period of time when sardines may be taken for canning and reduction purposes in waters of adjacent districts.

Gill, trammel or fyke net

8663. No gill net, trammel net, or fyke net may be possessed on any boat 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.

Possession as evidence

8664. Except in Districts 6 and 7, any net found in, or within 500 feet of the Klamath, Smith, Eel, Mad, Van Dusen, or Mattole Rivers, or their tributaries, is prima facie evidence that the owner or person in possession of the net is or has been using it unlawfully.

The provisions of this section do not apply to trawl or drag nets being transported.

Piers or docks

8665. In District 118.5, nets may not be used within one-half nautical mile radius of any pier or dock, except that in the portion of this district lying northerly of Point Arguello lampara or round haul nets having no rings along the lead line or any method of pursing the bottom of the net may be used within not less than 750 feet of any pier or dock.

(Amended by Stats. 1957, Ch 359.)

[ORIGINAL SECTION]

8665. In District 118.5, nets may not be used within a radius of one-half nautical mile of any pier or dock.

Gill nets or seines

8666. The department may issue a revocable permit to take with set gill nets or seines, mullet or carp in the waters of the Salton Sea and in those portions of the New and Alamo Rivers upstream one mile from their mouths as marked by the department, under commercial license, subject to such restrictions as the commission deems advisable.

Mullet or carp

8667. No fish other than mullet or carp, and no mullet less than 14 inches in length may be taken or possessed by a licensed commercial fisherman while fishing in the Salton Sea or the New and Alamo Rivers.

Game refuges

8668. No commercial fishing under Section 8666, 8667, or 8669 shall be carried on within the boundaries of any state or federal game refuge.

Commercial netting

8669. It is unlawful to possess gill nets, seines, or other devices capable of being used to take mullet or carp for commercial purposes, within 500 yards of the Salton Sea and those portions of the New and Alamo Rivers designated as commercial fishing waters lying in District 22, except during such open season as may be prescribed by the commission.

Netting for salmon or shad

8670. It is unlawful for any person to use, operate, or assist in using or operating any net to take salmon or shad for commercial purposes in any of the tidal waters lying upstream from Carquinez Bridge, or to possess on any boat in these waters any net the use of which is illegal in such waters.

(Added by Stats. 1957, Ch. 960.)

Article 5. Gill Nets

8685. In Districts 1, 2, and 3, gill nets may not be possessed on any boat. Prohibited possession

8686. In Districts 1½, 2½, and in the Trinity and Klamath River District, it is unlawful to possess any gill or trammel net with meshes over 1¾ inches in length, except under regulations which may be prescribed by the commission. Regulation. Districts

8687. In Districts 6, 7, 8, 9, and 10, drift gill nets may be used except for the taking of salmon. Salmon

8688. In District 11, drift gill nets may be used, subject to the following restrictions: Restriction: District 11

(a) The cork line shall not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line shall not be more than two fathoms in length, and the points of attachment of the lines on the cork line shall not be more than 10 fathoms apart.

(b) The length of the meshes shall be either 2½ inches or less, or 5½ inches or more. The meshes shall be approximately the same size, and shall not vary in length more than two inches.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

8689. In District 12, drift gill nets may be used, subject to the following restrictions: Restriction: District 12

(a) They may be used to take herring, smelt, and other small fish.

(b) The cork line shall not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line shall not be more than two fathoms in length, and the points of attachment of the lines on the cork line shall not be more than 10 fathoms apart.

(c) The length of meshes shall not exceed 2½ inches in length. The meshes of any gill net shall be approximately the same size.

(d) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

8690. (Repealed by Stats. 1957, Ch. 960.)

[ORIGINAL SECTION]

8690. In District 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions.

(a) The cork line shall not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line shall not be more than two fathoms in length, and the points of attachment of the lines on the cork line shall not be more than 10 fathoms apart.

(b) The meshes of any gill net shall be at least 7½ inches in length, except that between April 5th and May 31st the meshes of such nets may be not less than 5½ inches in length.

8691. In District 13, drift gill nets may be used to take herring, smelt, and other small fish, subject to the following restrictions:

(a) The cork line shall not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line shall not be more than two fathoms in length, and the points of attachment of the lines on the cork line shall not be more than 10 fathoms apart.

(b) The length of the meshes shall not exceed 2½ inches in length. The meshes shall be approximately the same size.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

Drift and set gill nets

8692. In that part of District 16 lying north and west of a line drawn from the light on the end of the Monterey Breakwater due east to the shore line, drift gill nets and set gill nets may be used.

Salmon excluded

8693. In Districts 17, 18, 19, and 20A, drift gill nets and set gill nets may be used except for the taking of salmon.

Prohibited possession

8694. In District 19A, gill nets may not be used, nor may they be possessed on any boat.

Restriction: District 20

8695. In District 20, gill nets may be used subject to the following restrictions:

(a) They may be used only in state waters in District 20 between Southeast Rock (also known as Church Rock) and Twin Rocks.

(b) They may be used only to take flying fish for bait. Such fish may not be transported out of the State.

(c) They shall not exceed 50 fathoms in length and two fathoms four feet in depth. The length of the meshes shall be between 1¾ and 2⅛ inches.

Webbing. Gill net

8700. Any line used on a gill net which shall tend to cause the webbing of such gill net to bag or hang slack shall cause such net to lose its identity as a gill net and become a trammel net.

Article 6. Trammel Nets

"Trammel net"

8720. "Trammel net" includes entangling nets constructed of more than one wall of webbing.

Prohibited possession

8721. In Districts 1, 2, and 3, trammel nets may not be possessed on any boat.

Salmon Excluded

8722. In District 10, drift trammel nets may be used, the meshes of which are at least eight inches in length except for the taking of salmon.

8723. (Repealed by Stats. 1957, Ch. 960.)

[ORIGINAL SECTION]

8723. In District 12B, drift trammel nets may be used subject to the provisions of this chapter, and the following restrictions:

(a) The cork lines shall not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line shall not be more than two fathoms in length; and the points

of attachment of the lines on the cork line shall not be more than 10 fathoms apart.

(b) The meshes of any trammel net shall be at least 7½ inches in length, except that between April 5th and May 31st the meshes of such nets may be not less than 5½ inches in length.

Mesh, salmon

8724. In Districts 17, 18, and 19, drift and set trammel nets may be used the meshes of which are at least eight inches in length, except that such nets may not be used in District 18 within one mile of any pier or jetty nor may they be used for the taking of salmon.

Prohibited use or possession

8725. In District 19A, trammel nets may not be used, nor may they be possessed on any boat.

Article 7. Round Haul Nets

"Round haul nets"

8750. As used in this article, "round haul nets" are circle seines, and include purse seines and ring or half ring, and lampara nets.

Prohibited possession

8751. In Districts 1, 2, and 3, round haul nets may not be possessed on any boat, except in that part of District 3 lying within the boundaries of the Moss Landing Harbor District, where round haul or any other type of nets may be possessed on any boat.

Purse and round haul nets

8752. In Districts 6, 7, 8, 9, 10, and 11, purse and round haul nets may be used.

Squid

8753. In that part of District 16 lying north and west of a line drawn from the light on the end of the Monterey Breakwater magnetic east to the shore line, purse and round haul nets may be used to take fish other than squid, and lampara nets may be used to take squid.

In that portion of District 16 lying southerly of the Monterey Breakwater and south of a line drawn from the light on the end of such breakwater magnetic east to the shore line, lampara nets may be used from June 1st to August 31st for the purpose of taking squid.

Purse seine or ring nets

8754. In Districts 17, 18, and 19, purse and round haul nets may be used, except that purse seines or ring nets may not be used in that portion of District 19 lying within three miles offshore from the line of the high-water mark along the coast of Orange County from sunrise Saturday to sunset Sunday from May 1st to September 10th, inclusive.

Purse seine or ring nets may not be used from May 1st to September 10th, inclusive, in the following portions of District 19:

(a) Within a two-mile radius of Dana Point.

(b) Within a two-mile radius of San Mateo Point.

(c) Within two miles offshore from the line of the high-water mark along that portion of the coast of Orange County lying between the northernmost bank of the mouth of the Santa Ana River and a point on such coast six miles south therefrom.

Purse and round haul nets

8755. In Districts 20A and 21, purse and round haul nets may be used.

8756. Salmon, steelhead, striped bass, or shad may not be taken with purse or round haul nets.

Article 8. Bait Nets

"Bait net" 8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in any ocean district except District 20; but in Districts 19A and 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only, and no other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fish food in state fish hatcheries.

(Amended by Stats. 1957, Ch. 633.)

[ORIGINAL SECTION]

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net with cotton twine mesh not exceeding standard No. 9 medium cotton seine twine, except that the selvedge webbing for a distance of three feet from the cork line, measured stretched, mesh shall not exceed in size standard No. 9 cotton twine. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in any ocean district except District 20; but in Districts 19A and 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only, and no other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fish food in state fish hatcheries.

Article 9. Beach Nets

"Beach net" 8800. As used in this chapter, a "beach net" is any net hauled from the water to the beach or shore, and includes beach seines and haul seines.

Prohibited possession 8801. In Districts 1, 2, and 3, beach nets may not be possessed on any boat.

Use 8802. In Districts 8 and 9, beach nets may be used.

Mesh, surf, smelt 8803. In District 10, beach nets may be used, the meshes of which are at least 1½ inches in length. In that portion of District 10 lying south of Pt. Lobos, beach nets not over 20 feet in length, the meshes of which are at least seven-eighths of an inch in length, may be used to take surf smelt only.

Use 8804. In District 11, beach nets may be used.

Prohibited possession 8805. In Districts 12, 12B, and 13, beach nets may not be possessed on any boat.

8806. In District 18, beach nets may not be used.

8807. In District 19, beach nets, the meshes of which are at least 1½ inches in length, may be used to take smelt between September 1st and January 31st.

Article 10. Trawl Nets

8830. "Trawl nets" include paranzella nets, beam trawls, otter trawls, and shrimp trawls. "Trawl nets"

8831. It is unlawful for any person to use or possess any trawl net with meshes which are less than 4½ inches in length, except that in Districts 2, 12, and 13, shrimp trawls with no specified minimum mesh size may be used to take shrimps only. Prohibited possession or use

8832. In Districts 2, 12, and 13 trawl nets may be used to take shrimps only. Shrimp

8833. In Districts 4, 19, 19A, 20, 20A, and 21, trawl nets or dragnets may not be possessed. Prohibited possession

8834. It is unlawful to take or possess more than 500 pounds of crabs on any boat when carrying or operating any type of trawl or dragnet. Crabs

8835. In Districts 6, 7, and 10, trawl nets may be used in waters not less than three nautical miles from the nearest point of land on the mainland shore. Restriction

8836. In Districts 17, 18, and 118.5, trawl nets may be used in waters not less than three nautical miles from the nearest point of land on the mainland shore, including those portions of Monterey Bay, Estero Bay, and San Luis Obispo Bay which lie within those districts.

8837. It is unlawful to use or possess any trawl net to which is attached any bag or cod-end or modification thereof, other than a single web cotton mesh bag or cod-end, except as authorized by Sections 8838 to 8841, inclusive. Bag or cod-end

8838. Hog-ring type bags or cod-ends may be used or possessed. Hog-ring bags shall be constructed of manila or hemp fiber rope not over three-eighths of an inch in diameter or of cotton fiber rope not over five-sixteenths of an inch in diameter, supported or tied together side by side with wire, hog-rings, or other devices to form mesh, which mesh, measured when wet between the proximal wires, rings, or other devices shall be not less than six inches in length. Hog-ring bags shall not measure over 20 meshes in length or 100 meshes in circumference. Hog-ring bags or cod-ends

The length of the meshes of any hog-ring type bag shall be determined by taking at least four meshes and measuring them inside the wire, hog-rings, or other devices while they are simultaneously drawn closely together.

8839. Double bags or cod-ends may be used or possessed. Any such double bag shall be made of cotton web only of not over 120-thread construction and so hung and tied to each rib line that the knots of each layer shall coincide, knot for knot, for the full length of the double layers. The double section shall not measure over 20 meshes in length or over 100 meshes Double bags or cod-ends

in circumference. The individual meshes in the double section shall measure not less than four and one-half inches in length.

Chafing gear

8840. Chafing gear may be used or possessed. Such gear shall cover not more than the last 120 meshes in length of the net and bag combined and not more than the bottom one-half of the circumference of the net and bag. It shall not be fastened to the net or bag at the trailing edge.

Rib lines

8841. Not more than eight rib lines may be attached to any type bag or cod-end. No type of preservative may be used to treat bags that will impair the flexibility of the original material or restrict the aperture of the mesh.

Cotton web mesh

Except for mesh actually covering glass floats, no cotton web mesh that measures less than 4½ inches in length may be possessed on any trawl boat.

Shrimps or prawns

8842. Trawl nets of such design as may be prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the department and under such regulations as the commission shall prescribe.

Sections 8831, 8833, 8835, and 8836 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section.

It is unlawful to possess any fish other than shrimp or prawns on any boat operating under a permit as provided in this section.

Article 11. Dip Nets

Dip nets

8870. Dip nets may be used subject to the following restrictions:

(a) In Districts 1, 1½, 2, 3, and 4, dip nets may not be baited, and may not measure more than six feet in greatest breadth.

(b) In District 19, dip nets six feet or less in greatest breadth may be used. In that district dip nets may not be used within 750 feet of any pier, wharf, jetty, or breakwater, except to take anchovies, squids, and sardines for bait, and to take smelt.

(c) In District 20, dip nets more than six feet in greatest breadth may not be used or possessed.

Article 12. Other Nets

Baited hoop nets

8890. Baited hoop nets not to exceed three feet in diameter may be used at any time in that portion of District 18 lying south of a line running east and west through Point Arguello and in District 19, to take rock crabs, red crabs, and yellow crabs only.

Chinese shrimp nets

8891. Chinese shrimp nets may be used only in District 13.

Chapter 4. Other Means of Taking

Article 1. Traps

Crab

9000. Crab traps may be used in Districts 1½, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, and 19 to take crabs only.

9001. Shrimp traps not to exceed 20 inches in width, 18 inches in height, and 24 inches in greatest length, with openings from exterior to interior not to exceed one-half inch in any dimension throughout the trap, may be used in Districts 18, 19, 19B, 20A, and 21 to take shrimp only. Shrimp

9002. Lobster traps may be used to take spiny lobsters in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point. Lobster

Wire traps shall be built of rectangular mesh with inside mesh measurement not less than two inches by four inches, the four-inch measurement to be parallel to the floor of the trap.

Traps built of lath or other material shall have along the full length of two sides openings to allow escape of lobsters. Such openings shall be clearly accessible to the lobsters and of a spacing of not less than two inches, and such spacing shall be located parallel to, and not more than two inches above, the floor of the trap.

Lobster traps may be used to take spiny lobsters, rock crabs, and sheephead only, and any other species taken in such traps shall be released. Such traps may be used only during the season prescribed for spiny lobsters. Spiny lobsters taken in the manner commonly known as skin diving or by use of self-contained underwater breathing apparatus may not be sold.

9003. Traps may be used throughout the year to take carp in any district under the following restrictions: Carp

Traps shall not exceed six feet in greatest dimension. They shall be made of cotton twine. Meshes shall not be less than three and one-half inches in length, except that fyke and bait bags may be any size mesh Traps shall have only a single vertical fyke opening at the top of trap. They shall be baited only with grain or grain products. Fish other than carp taken in such traps shall be returned at once to the water.

9004. Crayfish traps may be used at any time in any district to take crayfish only. Traps shall not exceed three feet in greatest dimension. Any other species shall be returned to the water immediately. The commission may prohibit the use of crayfish traps which will injure fish or which will entrap unnecessarily large numbers of fish other than crayfish. Crayfish

9005. Traps not to exceed 12 inches in breadth, 12 inches in height, and 36 inches in greatest length with entrance at small ends of funnels or fykes not to exceed three inches in circumference may be used in tidewaters of Districts 3½, 4, 4½, 4¾, and 21, and in Salton Sea, Imperial and Riverside Counties, to take mudsuckers and California killifish (Fundulus parvipinnis) only. Mudsuckers and killifish

Article 2. Troll or Hand Lines

9025. Troll lines or hand lines having not more than two hooks (plugs excepted) may be used in any district, and troll lines with more than two hooks may be used in Districts 6, 7, Hooks

10, 11, 15, 16, 17, 18, 19, and 19A for the purpose of taking salmon or tuna.

Set lines

9026. Set lines may be used in Districts 6, 7, 10, 17, 18, and 19.

Hooks

9027. In District 15 it is unlawful to use set lines or any line with more than five hooks.

Article 3. Other Appliances

Spade, shovel, etc.

9050. A spade, shovel, hoe, rake, or other appliance operated by hand may be used to take mollusks, sand crabs, and shrimps in Districts 1½, 2, 2½, 3, 3½, 4, 4½, 4¾, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 20, 20A, and 21, except as specified in Sections 7332 and 8303.

Spears, bows and arrows, etc.

9051. Spears, harpoons, and bows and arrows may be used for taking all varieties of skates, rays, and sharks, except soupfin sharks.

DIVISION 7. REFUGES

CHAPTER 1. REFUGES AND OTHER PROTECTED AREAS

Article 1. General Provisions

Unlawful use, taking or possession

10500. Except under a permit or specific authorization, it is unlawful:

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or to release any arrow into any game refuge.

(c) To take or possess any species of fish or amphibia, or part thereof, in any fish refuge, or to use or have in possession in such refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm or to release any arrow within or into, any fowl refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.

(g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

Deer

10501. Before the commission opens any game refuge for the taking of deer, a public hearing shall be held at which at least one member of the commission shall be in attendance and such officers and employees of the department as are deemed necessary or are requested by interested parties, notice of which has been published at least once and at least 30 days prior to the hearing in a newspaper of general circulation which is printed and published in the county, or one of the

counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area and such determination by the commission shall be final and conclusive.

Powers

10502. The commission may:

(a) Exercise control over all mammals and birds in any game refuge, and exercise control over all fish in any fish refuge.

(b) Authorize the department to issue, under such restrictions as it may deem best, permits which shall authorize the person named therein to carry, use, and possess within any refuge, firearms, traps or other contrivances for taking birds, mammals, fish or amphibia.

(c) Authorize the department to issue permits which shall authorize the person named therein to take birds, mammals, fish and amphibia within any refuge.

(d) Make additional regulations not in conflict with any law for the protection of birds, mammals, fish, amphibia, and marine life within any refuge.

Powers re propagation, feeding, etc.

10503. For the purposes of propagating, feeding, and protecting birds, mammals, fish, and amphibia the commission may:

(a) Accept, on behalf of the State, donations of any interest in lands within any refuge.

(b) Accept, on behalf of the State, from any person owning and in possession of patented lands, except lands which are covered and uncovered by the ordinary daily tide of the Pacific Ocean, the right to preserve and protect all birds, mammals, fish, and amphibia on such patented lands.

(c) Accept, on behalf of the State, donations of birds, mammals, fish, and amphibia, and of money given or appropriated. Such donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(d) Acquire, by purchase, lease, rental, or otherwise, and occupy, develop, maintain, use, and administer land, or land and water, or land and water rights, suitable for state game farms or game refuges.

Acquisition of property

10504. Any property acquired for game refuges shall be acquired in the name of the State, and shall, at all times, be subject to such regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as game refuges.

Title

10505. The department shall do all things necessary to secure a valid title in the State to the property acquired for game refuges, but no payment shall be made therefor until the title is satisfactory to the Attorney General and is vested in the State. The acquisition of the property by the State is not prohibited by reason of rights of way, easements, or reserva-

tions, which, from their nature, in the opinion of the department, will in no manner interfere with the use of the property for the purpose for which it is acquired.

Possession Firearms, bow and arrow

10506. Nothing in this code prohibits the possession of firearms or bows and arrows by persons when traveling through any game refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least twenty-four (24) hours before such traveling. The notice shall give the name and address of the person intending to travel through the refuge, the name of the refuge, the approximate route, and the approximate time when such person intends to travel through the refuge.

Transportation of bird or mammal

10507. It is lawful for any person who has given the notice provided for in Section 10506 to transport any bird or mammal, or part thereof, through a game refuge, if lawfully taken outside the refuge, and if the bird or mammal or part thereof is carried openly and during the time between one hour before sunrise and one hour after sunset.

Enforcement

10508. The department and the district attorney, sheriff, and all peace officers of the county in which any refuge or part thereof is situated, shall enforce all of the provisions of this code relating to such refuge, and institute and assist in prosecutions for violations thereof.

"Fish and game refuge"

10509. Any refuge designated as a "fish and game refuge" shall be considered, for the purposes of this division, as both a game refuge and a fish refuge.

Open season

10510. No specification of an open season in any area authorizes the taking of any bird, mammal, fish or amphibia from any refuge within that area from which the taking is elsewhere in this code prohibited.

Special regulation

10511. Except as they may conflict with refuge provisions, the provisions of this code relating to a particular fish and game district shall apply to each refuge lying wholly, or in major part, within the boundaries of the district.

Notices

10512. The department shall cause to be prepared suitable notices to be posted under its direction on each state game refuge, containing a warning to all persons to refrain for the period named therein from violations of the provisions of this chapter relating to state game refuges.

Taking on navigable water

10513. Nothing in this chapter shall be construed as prohibiting or preventing any person from taking birds, mammals, fish, or amphibia from or on navigable water in any state game refuge.

Management and control

10514. All state game refuges shall, for all purposes of protecting birds, mammals, fish, or amphibia thereon, be under the control and management of the department, and the officers and employees of the department and all game wardens may at all times enter in and upon such refuges in the performance of their duties.

Article 2. Special Provisions for Given Areas

Mt. Tamalpais

10650. In Mt. Tamalpais Game Refuge, the lawful occupant of privately owned land, or the employees of such occupant, may take on such lands, predatory, or destructive birds and mammals which are not protected or fostered by any of the laws of this State, and are not required to obtain permits for such taking.

Firearms

10651. In the Mt. Tamalpais Game Refuge firearms may be possessed and used by members of any high school militia while on the grounds of the high school at which time they may be enrolled.

Taking of bird or mammal

10652. In Mt. Tamalpais Game Refuge, no birds or mammals which are protected or fostered by laws of this State may be taken under any permit issued by the department.

It is unlawful to take any bird or mammal under a permit issued by the department unless the person possessing the permit is accompanied by a member of the commission, a deputy of the department, or the sheriff or deputy sheriff of Marin County.

San Francisco

10653. In the San Francisco Game Refuge, birds, mammals, fish, and amphibia legally possessed may be carried openly by persons traveling through the refuge on public roads, between one-half hour before sunrise and one-half hour after sunset.

Water supply use

10654. Nothing in this division prevents the full use of the land included in the San Francisco Game Refuge for water supply purposes, nor prohibits any authorized employee of the San Francisco water department from carrying out such reasonable measures as may be necessary for the protection of the water supply or the prevention of pollution of the streams or reservoirs.

Huntington Lake

10655. 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.

Possession of birds and mammals

10656. In the Huntington Lake Game Refuge, birds and mammals lawfully possessed outside the boundaries of the refuge may be possessed within the refuge.

Hopkins Marine Life Refuge

10657. In the Hopkins Marine Life Refuge, licensees of the board of trustees of the Leland Stanford Junior University, licensees of the Regents of the University of California, and all officers, employees, and students of such universities may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

San Diego Marine Life Refuge

10658. In the San Diego Marine Life Refuge, licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

Article 3. Federal Bird Reservations

Federal acquisition and state jurisdiction

10680. The people of the State, 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. Upon approval by the commission, 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, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of such act of Congress; saving and reserving, however, to the State 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 such act of Congress, and saving and reserving to all persons within such areas all rights, privileges, and immunities under the laws of the State, insofar as they are compatible with the administration, maintenance, protection, and control of such areas by the United States under the terms of such act of Congress.

Consent of county

10681. Prior to such approval by the commission, the legislative body of the county concerned shall have given its written consent to the commission for the proposed acquisition.

Taxes

10682. 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 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 are 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.

Conformity to state law

10683. The consent of the State to the acquisition by the United States of land, water, or land and water for migratory bird reservations in accordance with this article, is subject to the condition that the United States conform to the laws of the State relating to the acquisition, control, use, and distribution of water with respect to the land acquired.

Consent to conditions and reservations

10684. The consent contained in Section 10680 continues only so long as the property continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations as prescribed in this article, and is used for the purposes for which it was acquired.

Migratory bird reservation

10685. With the approval of the commission, the people of the State, through their legislative authority, also consent to the declaration, withdrawal, or determination of any part of

any national forest or power site, and do further consent to the condemnation of any lands lying and being below an elevation known and described as minus 230-foot elevation below sea level, as a migratory bird reservation under the provisions of the act of Congress cited in Section 10680.

Article 4. Clam Refuges

Razor clam beaches

10710. The commission shall close for the taking of razor clams (Siliqua patula) not more than 50 percent of razor clam bearing beaches within or offshore from Del Norte County as a clam refuge. The commission may from time to time vary the location of the closed and open portions of such beaches.

Before the commission closes, opens, or varies the location of the closed and open portions of razor clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed and published in that county. The commission may determine which such newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize the director in its place to hold such hearing, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by the commission.

Pismo clam beaches

10711. The commission shall close for the taking of clams not less than eight land miles of pismo clam bearing beaches within or offshore from San Luis Obispo County as a clam refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of such beaches.

Before the commission closes, opens, or varies the location of the closed and open portions of pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed, and published in that county. The commission may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize any employee of the department in its place to hold the hearing, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by the commission.

Article 5. Wilderness Areas

Travel in wilderness area

10740. It is unlawful for any person other than a legally constituted peace officer or officer or employee of the Forest Service of the United States Department of Agriculture, the department, or of the Division of Forestry, Department of Natural Resources of California, or county fish and game wardens or their duly authorized representatives, to travel by motor boat, automobile, motorcycle, or other type of motorized vehicle, or, except for emergencies and for rescue and aerial search for rescue purposes, to land an airplane, helicopter, or similar equipment, within the boundaries of a primitive, wilderness, or wild area closed to the above modes of travel as established by a duly authorized officer of the Forest Service or the Department of Agriculture and recorded in the office of the Regional Headquarters of the California Region of the United States Forest Service, Department of Agriculture, and with the department.

Access to area

10741. Nothing in this article shall be construed as prohibiting access over any road or trail in any such area to any land to which any person is entitled to possession by such person or any person authorized by him to use such road or trail as a means of access to the land; provided, that none of the motorized vehicles or aircraft mentioned in Section 10740 shall be used by any person as a means of gaining access to the wilderness areas for the purpose of hunting or fishing. Nor shall anyone having a lawful right to enter a wilderness area with a motorized vehicle or aircraft fish or hunt while within the area after having entered the area with a motorized vehicle or aircraft.

Chapter 2. Specific Refuge Boundaries

Article 1. Fish and Game Refuges

Fish and game refuges

10770. The following districts are fish and game refuges:

San Francisco Fish and Game Refuge

10771. The following constitutes and shall be designated the San Francisco Fish and Game Refuge: All that area within the County of San Mateo, within the following boundaries:

Beginning at a point on the westerly side of the Skyline Boulevard where said line crosses the fence line between the properties of the San Francisco Water Department and the Jersey farm, thence following southerly the westerly line of the Skyline Boulevard to the northerly line of the property of the Panama Realty Company, thence following in a generally southerly direction the easterly line of the property of the San Francisco Water Department to the center of the Canada Road, thence due west to the westerly line of said Canada Road, thence southerly along the westerly line of said road to the southerly line of the property of the San Francisco Water Department, thence westerly following the southerly line of the San Francisco Water Department to the Skyline Boule-

vard, thence northerly following the easterly line of the Skyline Boulevard to its intersection with the easterly line of the Carry E. Bridge property, thence following northerly the easterly line of the said Carry E. Bridge property to its intersection with the easterly line of the Skyline Boulevard, thence northerly following the easterly line of the said Skyline Boulevard to the Half Moon Bay Road, thence crossing the said Skyline Boulevard and said Half Moon Bay Road to the westerly line of the property of the San Francisco Water Department on the northerly side of said Half Moon Bay Road, thence following the westerly line of the San Francisco Water Department in a generally northwesterly direction to the point of beginning.

Article 2. Fish Refuges

Soda Springs Lake Fish Refuge

10800. The waters of Soda Springs Lake, commonly known as Kern Lake, of the Kern River constitute a fish refuge.

This section shall remain in effect until September 19, 1967, and thereafter shall be of no force or effect.

Article 3. Game Refuges

Game refuge districts

10820. The districts described in the following sections are game refuges.

Modoc County area

10821. The following constitutes Fish and Game District 1C: All that area within the County of Modoc within the following boundaries:

Beginning at the boundary of the Modoc National Forest on the east side of Sec. 28, T. 42 N., R. 14 E., where Parker Creek crosses the national forest boundary and following thence Parker Creek and the South Fork of Parker Creek to the summit of the Warner Mountains; thence southerly along the summit of the Warner Mountains to the headwaters of Mill Creek; thence following course of Mill Creek to Mill Creek Ranger Station and Mill Creek stock corrals in approximately Sec. 15, T. 40 N., R. 15 E. (unsurveyed); thence along road from Mill Creek Ranger Station and stock corrals running north of Cantrell's sawmill to Bowman Ranch, thence along same road to the Modoc National Forest boundary on the center line of Sec. 33, T. 41 N., R. 14 E.; thence north along said national forest boundary to Parker Creek, the point of beginning.

Lassen County area

10822. The following constitutes Fish and Game District 1F: All that area within the County of Lassen within the following boundaries:

Beginning at the fork of the Puls Camp Road and the Poison Lake-Harvey Valley Road near the quarter section corner between Secs. 33 and 34, T. 33 N., R. 8 E; thence northerly following the westerly side of said road by Dixie Springs and Puls Camp in Sec. 33, T. 34 N., R. 8 E., to Shroder Lake in Sec. 19, T. 34 N., R. 8 E.; thence southwesterly about one mile to the junction of said Puls Camp Road and the Little Valley

Road in Sec. 24, T. 34 N., R. 7 E.; thence northwesterly following the southerly side of said Little Valley Road to its junction with the Blacks Lake Road; thence westerly following the southerly side of said Blacks Lake Road to the Eldridge place in Sec. 13, T. 34 N., R. 6 E.; thence southerly following the easterly side of said road to Jelly Camp in Sec. 25, T. 34 N., R. 6 E.; thence southeasterly following the easterly side of the Susanville-Pittville Road to junction of the Poison Lake-Harvey Valley Road; thence easterly following the northerly side of said Poison Lake-Harvey Valley Road to the point of beginning.

Tehama County area

10823. The following constitutes Fish and Game District 1G: All that area within the County of Tehama within the following boundaries:

Beginning at a point where Deer Creek crosses the west township line of T. 25 N., R. 2 E.; thence north along said township line and along the west township line of T. 26 N., R. 2 E. to its intersection with Boatgunwale Creek; thence down Boatgunwale Creek to Mill Creek; thence up Mill Creek to the Ponderosa Truck Trail; thence following the Ponderosa Truck Trail to its intersection with South Antelope Creek; thence up South Antelope Creek to mouth of the North Fork of South Antelope Creek; thence up the North Fork to its source; thence following Manzanita Cut Trail to the South Fork of Rock Gulch Creek; thence down Rock Gulch Creek to its intersection with the Old Butte Meadows-Round Valley Trail; thence following the Old Butte Meadows-Round Valley Trail to its intersection with the Deer Creek Highway, thence down the Deer Creek Highway to its westerly crossing of Deer Creek, thence down Deer Creek to point of beginning.

Plumas County area

10824. The following constitutes Fish and Game District 1H: All that area within the County of Plumas within the following boundaries:

Beginning at a point on the Western Pacific Railway known as Quincy Junction; thence following northerly the westerly side of the Old Road to Taylorsville; thence westerly along the southerly side of the County Road to a point on the State Control Road, approximately one and one-half miles southerly from Crescent Mills; thence southerly along the easterly side of said State Control Road to its intersection with the Feather River Highway; thence southerly along the easterly side of said Feather River Highway to the County Road which intersects said Feather River Highway near the Feather River Experiment Station; thence easterly along the northerly side of said County Road to the point of beginning.

Placer County area

10825. The following constitutes Fish and Game District 1I: All that area within the County of Placer within the following boundaries:

Beginning at a point in Sec. 26, T. 14 N., R. 13 E., M. D. M., where the French House-Big Meadows Road intersects the South Fork of Long Canyon; thence following northwesterly along said road to French House (near the center of Sec. 22); thence northwesterly along the French House-Red Star Mine

Road to the point where said road intersects the summit of Red Star Ridge in Sec. 16 (this being the divide between Duncan Creek and the Middle Fork of the American River); thence northeasterly following the summit of Red Star Ridge to the new Westville-French Meadows Highway; thence northeasterly along said highway to a point in Sec. 4, T. 15 N., R. 14 E., where said highway leaves the main divide between the North Fork of the American River and the Middle Fork of the American River; thence easterly along the summit of said main divide to Needle Peak; thence southerly following the summit of the Divide to Mt. Mildred; thence following the summit of the divide between Gray Horse Creek and the Middle Fork of the American River to its intersection with the Big Meadows-Gray Horse Valley Trail; thence following said trail to the South Fork of Long Canyon; thence westerly down Long Canyon to the point of beginning.

Amador and Alpine County area

10826. The following constitutes Fish and Game District 1J: All that area within the Counties of Amador and Alpine within the following boundaries:

Beginning at a point between Secs. 13 and 18, T. 8 N., R. 14 and 15 E., where the Carson Pass Highway enters Sec. 18, T. 8 N., R. 15 E.; thence northeasterly along the south side of said Alpine Highway right of way to the Dufrane Road in Sec. 32, T. 9 N., R. 16 E.; thence southerly along the westerly side of said road to the old Amador Ranger Station cabin in Sec. 5, T. 8 N., R. 16 E.; thence southerly and easterly along Bear River Trail to Pardoes Road in Sec. 15, T. 8 N., R. 16 E; thence northeasterly along the south side of said road to the Bear River Cedar Camp Trail in Sec. 1, T. 8 N., R. 16 E.; thence northeasterly to its intersection with the main Cedar Camp Trail; thence southerly along Cedar Camp Trail to intersection of said Cedar Camp Trail with the Mokelumne River; thence down the north bank of the Mokelumne River in a southwesterly direction to the intersection of range line between T. 7 N., R. 14 and 15 E.; thence north along range line between T. 8 N., R. 14 and 15 E., to the intersection of Alpine State Highway to the place of beginning.

Siskiyou and Modoc County area

10827. The following constitutes Fish and Game District 1N: All that area within the Counties of Siskiyou and Modoc within the following boundaries:

Beginning at the junction of the Lava Ranger Station Road and the Egg Lake-Quaking Asp Road, thence following westerly and northerly the northerly and easterly side of said Lava Ranger Station Road to its junction with the Medicine Lake-Quaking Asp Road near the northwest corner of Sec 18, T. 42 N., R. 5 E., thence easterly and southerly following the southerly and westerly side of the Medicine Lake-Quaking Asp-Egg Lake Road to the point of beginning.

Plumas County area

10828. The following constitutes Fish and Game District 1P: All that area within the County of Plumas, within the following boundaries:

Beginning at the junction of the Milford-Beckwith Road and the Last Chance-Doyle Road, thence following the easterly side of said Milford-Beckwith Road to its junction with the Dixie Valley-Frenchman's Cove Road; thence following the easterly side of the Dixie Valley-Frenchman's Cove Road to its junction with the Little Last Chance Road; thence following the westerly side of the Little Last Chance Road to its junction with the Last Chance-Doyle Road; thence following the westerly side of the Last Chance-Doyle Road to the place of beginning.

Tuolumne County area

10829. The following constitutes Fish and Game District 1R: All that area within the County of Tuolumne within the following boundaries:

Beginning at the junction of the North Fork of the Stanislaus River and the Middle Fork of the Stanislaus River; thence easterly following the northerly bank of said Middle Fork of the Stanislaus River to the mouth of the Shu-fly Creek, approximately in Sec. 9, T. 5 N., R. 18 E.; thence northerly following the westerly bank of said creek to its junction with Whit's Basin Creek; thence westerly following the southerly and westerly bank of said Whit's Basin Creek to its junction with the Sands Meadow Trail in Sec. 36, T. 6 N., R. 17 E.; thence northwesterly following said Sands Meadow Trail to its junction with the Government Truck Trail in Sec. 23, T. 6 N., R. 17 E.; thence westerly following said Truck Trail to Liberty Hill; thence following said Government Truck Trail westerly and southerly to its junction with the Boards Crossing-Beaver Creek Camp Road; thence northerly following said Boards Crossing-Beaver Creek Camp Road to Boards Crossing on the North Fork of the Stanislaus River; thence downstream following the easterly bank of said North Fork of the Stanislaus River to the point of beginning.

Lassen County area

10830. The following constitutes Fish and Game District 1S: All that area lying within the County of Lassen within the following boundaries:

Beginning at the old Haydenhill Post Office in the approximate center of Sec. 36, T. 37 N., R. 9 E.; thence following westerly along the old Juniper Road through Windmill Flat to the junction of the Summit Spring Road near Meyers Spring; thence south through Lost Valley along the Lost Valley-Dixie Valley Road to the junction of the Dixie Valley-Grasshopper Road; thence east to the junction of the old Haydenhill-Slate Creek Road located approximately in Sec. 24, T. 35 N., R. 9 E.; thence north along the Haydenhill-Slate Creek Road to the place of beginning.

Plumas County area

10831. The following constitutes Fish and Game District 1V: All that area within the County of Plumas within the following boundaries:

Beginning at the point where the Willow Creek Road leaves the Feather River Highway between Blairsden and Portola; thence following northerly the easterly side of said Willow Creek Road to the Three Mile Ranger Station; thence easterly

following the southerly side of the new U. S. Forest Service Road into Grizzly Valley to its intersection with the Walker Mine Road; thence southerly following the westerly line of said Walker Mine Road to the Feather River Highway; thence westerly following the northerly side of the Feather River Highway to the point of beginning.

Mendocino, Lake and Glenn County area

10832. The following constitutes Fish and Game District 2A: All that area within the Counties of Mendocino, Lake and Glenn within the following boundaries:

Beginning at the summit of Hull Mountain in Mendocino County, in the southwest corner of Sec. 2, T. 19 N., R. 10 W.; thence in a northeasterly direction down Hull Creek (sometimes known as Red Rock Creek) to its junction with Sand Creek; thence southeasterly down Sand Creek to its junction with Corbin Creek, thence in an easterly direction up Corbin Creek to Sec. 36, T. 20 N., R. 8 W.; thence in a southerly direction up a ravine to the Sheetiron-Elk Creek Road on the summit of the Coast Range Mountains in Sec. 12, T. 19 N., R. 8 W.; thence southwesterly along the road and summit over Sheetiron Mountain to Low Gap, where the Bloody Rock trail crosses the summit in Sec. 27, T. 19 N., R. 8 W.; thence in a westerly direction down the Bloody Rock trail and Cold Creek to South Eel River in Sec. 26, T. 19 N., R. 9 W.; thence down the river to the mouth of a ravine in the SE. $\frac{1}{4}$ of Sec. 27, T. 19 N., R. 9 W.; thence in a northwesterly direction up the ravine through Secs. 27 and 28 to the summit of Boardman Ridge; thence in a northwesterly direction up Boardman Ridge to the summit of Hull Mountain to the point of beginning.

Marin County area

10833. The following constitutes Fish and Game District 2B, the Mount Tamalpais Game Refuge: All that area within the County of Marin within the following boundaries:

Beginning at the intersection of the easterly shore of inner Bolinas Bay with the northwesterly boundary line extended, of the Stinson ranch conveyed to A. H. Stinson et al., by decree of distribution dated the 28th of July, 1911; thence northwesterly along the said northwesterly boundary line to the southwesterly boundary line of the lands of the Marin municipal water district on the crest of Bolinas Ridge; thence northeasterly, northwesterly, and easterly along the westerly and northerly boundary line of the watershed lands of the said water district to its intersection with the southwesterly corner of the Rancho Canada de Herrera; thence north 14 degrees west along the westerly line of said Rancho Canada de Herrera to the southwesterly corner of the Bothin real estate property; thence in an easterly direction along the southerly line of the said Bothin property to its intersection with the westerly boundary line of the town of Fairfax; thence in a general southerly direction along the westerly boundary of the said town of Fairfax to its intersection with the southerly boundary line of the said Rancho Canada de Herrera; thence northerly 83 degrees 15 minutes east along said southerly line 3,200 feet, more or less, to its intersection with the southeasterly line of

the county road leading from Fairfax to Bolinas; thence northerly along said road and along the Fairfax-Bolinas County Road to a point in the southerly line of the right of way of the Northwestern Pacific Railroad Company near Fairfax station; thence along the said last-mentioned line in a southerly direction following the westerly line of said railroad right of way to its intersection with the southerly line of the road or highway immediately south of Alto station; thence following the southerly side of said Alto-Belvedere Road and state highway easterly to its intersection with the northwesterly line of the Town of Belvedere; thence following the northwesterly line of the Town of Belvedere southwesterly to its extreme westerly corner; thence in a direct line to the extreme northerly corner of the Town of Sausalito; thence southwesterly along the northwesterly line of the Town of Sausalito to its intersection with the Northwestern Pacific Railroad; thence following the westerly line of the right of way of the Northwestern Pacific railroad to Manzanita Station; thence southwesterly in a direct line to the Mill Valley State Highway; thence westerly along the said highway to its intersection with Tennessee Avenue; thence following the southerly and easterly line of Tennessee Avenue, westerly and southerly, to the corner common to ranches E, F, and A, as said ranches are delineated on the Tamalpais Land and Water Company's map No. 3; thence southwesterly along the southeasterly boundary lines of ranches E, L, and K, as shown on the said last-mentioned map, to the shore of the Pacific Ocean; thence northwesterly along the shore of the Pacific Ocean and across the easterly end of the Bolinas sandspit, and along the easterly shore of inner Bolinas Bay, to the point of beginning, excepting from the area of said Mount Tamalpais Game Refuge all lands lying within incorporated areas.

San Benito and Monterey County area

10834. The following constitutes Fish and Game District 3B: All that area within the Counties of San Benito and Monterey described as follows:

All of Secs. 20 to 29, inclusive, all of Secs. 33, 34 and 35 and the west half of Sec. 36 of T. 16 S., R. 7 E.; the west half of Sec. 1, all of Secs. 2 and 3, the east half of Sec. 4, the east half of Sec. 9, all of Secs. 10 and 11, the west half of Sec. 12, the west half of Sec. 13 and all of Secs. 14 and 15 of T. 17 S., R. 7 E.

Contra Costa County area

10835. The following constitutes Fish and Game District 3F: All that area within the County of Contra Costa described as follows:

All of Secs. 29, 30, 31 and 32, T. 1 N., R. 1 E.; all of Secs. 5, 6, 7 and 8, T. 1 S., R. 1 E ; all of Secs. 25, 26, 35 and 36 of T. 1 N., R. 1 W.; all of Secs. 1, 2, 11 and 12 of T. 1 S., R. 1 W.

San Mateo and Santa Clara County area

10836. The following constitutes Fish and Game District 3G:

All those lands of the Leland Stanford Junior University within the Counties of San Mateo and Santa Clara, and consisting of lots numbers 1 to 33, inclusive; that portion of

lots 35 and 42 lying outside of the town limits of the town of Mayfield; lots 36, 43, 46 to 75, inclusive; 80 to 86, inclusive; 89 to 98, inclusive, as shown on the map entitled "map of the lands of the Leland Stanford Junior University at or near the site of the university in the Counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann of Herrmann Bros.," dated November, 1908, recorded in the Office of the County Recorder of the County of Santa Clara.

Riverside County area

10837. The following constitutes Fish and Game District 4D: All that area within the County of Riverside described as follows:

All of T. 6 S., R. 5 E.; T. 6 S., R. 6 E.; T. 7 S., R. 6 E.; and Sections 6 and 7, of T. 6 S., R. 7 E.; S. B. B. & M.

(Amended by Stats. 1957, Ch. 1529.)

[ORIGINAL SECTION]

10837. The following constitutes Fish and Game District 4D: All that area within the County of Riverside described as follows:

All of T 6 S., R. 5 E.; T. 6 S., R. 6 E.; and T. 7 S., R. 6 E., S. B. B. & M.

District 4G

10838. The following constitutes Fish and Game District 4G:

Beginning at the northeast corner of T. 4 S., R. 3 E., S. B. B. & M.;

Thence on section lines, west one mile, north one mile, west two miles, north one mile and west three miles to the northwest corner of Sec. 30, T. 3 S., R. 3 E., S. B. B. & M.;

Thence south on the range line between R. 2 and 3 E., about $7\frac{3}{4}$ miles to the crest of the divide forming the northwesterly boundary of Strawberry Creek watershed;

Thence southwesterly along said divide to a point on the northerly boundary of Sec. 28 in T. 5 S., R. 2 E., S. B. B. & M.;

Thence southwesterly in a straight line to the junction of Strawberry Creek and the south fork of the San Jacinto River;

Thence southeasterly and northeasterly along the crest of the divide between the waters of Dry Creek, a tributary of Strawberry Creek, and the waters of the south fork of the San Jacinto River and its tributaries to the northeasterly side of the right of way of the Pines to Palms Highway;

Thence southeasterly along the said northeasterly side of the right of way of the Pines to Palms Highway to the right bank of Hurkey Creek;

Thence northerly along the right bank of Hurkey Creek through Secs. 9 and 4 in T. 6 S., R. 3 E., and through Secs. 33, 28, 21, the southeast quarter of Sec. 16, the west one-half of Sec. 15, the east half of Sec. 10 and the northwest quarter of Sec. 11 to the crest of the divide between the waters of Hurkey Creek and Murray Canyon;

Thence southeasterly along the crest of the divide between the waters flowing west into the San Jacinto River and the waters flowing east into Coachella Valley to a point on the south boundary of Sec. 24 in T. 5 S., R. 3 E., S. B. B. & M.;

Thence east on said south line of Sec. 24 to the southeast corner thereof. Thence north on the range line to the point of beginning.

Huntington Lake Game Refuge

10839. The following constitutes the Huntington Lake game refuge: All that area within the following boundaries:

Commencing at a point as posted, where Ward Tunnel Trail leaves Florence Lake Road above Huntington Lake, thence in a northerly direction along Ward Tunnel Trail to its junction with Potter Pass Trail, thence in a northwesterly direction in a direct line to College Rock, thence in a southwesterly direction in a direct line to junction of Line Creek Trail and Billy Creek Trail, thence in a southwesterly direction in a direct line to Black Point, thence in a southeasterly direction in a direct line to Sunset Point, thence due east to Big Creek, thence in a northeasterly direction up Big Creek to Huntington Lake, thence in a northeasterly direction along the south side of Huntington Lake to the Florence Lake Road, thence in a northeasterly direction along Florence Lake Road to point of beginning.

California Sea Otter Game Refuge

10840. The California Sea Otter Game Refuge consists of and includes the following:

All that portion of Monterey County lying between Malpaso Creek and the Swiss Canyon Arroyo, and west of the Monterey-San Simeon Highway, and that portion between Castro Canyon and Dolan Creek, west of the Monterey-San Simeon Highway.

Preston School of Industry Game Refuge

10841. The Preston School of Industry Game Refuge consists of and includes the following:

Henderson Reservoir and the Preston School of Industry Reservoir, both of which are situated on land occupied by the Preston School of Industry, Ione, Amador County.

Article 4. Waterfowl Refuges

Waterfowl refuges

10860. The following districts are waterfowl refuges.

San Leandro Refuge

10861. The following constitutes a waterfowl refuge and shall be designated the San Leandro Waterfowl Refuge: All the area within the County of Alameda, within the following boundaries:

Beginning at the Bay Farm Island Bridge, in Alameda, thence in a southerly direction, following the levee on westerly side of San Leandro Bay to the Hagenburger Road, thence in a northeasterly direction along said Hagenburger Road to a point where the Pacific Gas and Electric tower line crosses said Hagenburger Road, thence following said Pacific Gas and Electric tower line to the Pacific Gas and Electric substation at the foot of Fiftieth Avenue in Oakland, thence in a westerly direction along the high tide line of San Leandro Bay to the point of beginning.

Article 5. Quail Refuges

10880. The following districts are quail refuges. Quail refuges

10881. The following constitutes a quail refuge and shall be designated the Bolinas Quail Refuge: All that area within the County of Marin, within the following boundaries: Bolinas Refuge

Beginning at a point on the southeasterly line of the lands of Ludwig B. Freudenthal, as the same is described in Book 158 of official records on page 261, of Marin County records, and at a point which is 20 feet above mean high tide of the Pacific Ocean, and running thence northeasterly and northwesterly along the southeasterly line of said Ludwig B. Freudenthal tract to a point on the southerly line of the "Mesa Road," thence northeasterly and along the southerly line of Mesa Road to the westerly line of the road leading from the Town of Bolinas to Sausalito, thence southeasterly and along the southerly line of the county road leading through the Town of Bolinas to the landing wharf at the entrance of Bolinas Bay, and 20 feet above mean high tide, thence southwesterly, westerly and northwesterly along a line which is 20 feet above mean high tide to the point of beginning.

Article 6. Marine Life Refuge

10900. The refuges described in the following sections are marine life refuges. Marine life refuge

10901. The following constitutes a marine life refuge and shall be designated the Hopkins Marine Life Refuge: Hopkins Refuge

That portion of District 16 consisting of the land and ocean waters from the highest tide line on the south to a distance of 1,000 feet northerly from said high tide line and bounded on the east by the northerly extension of the west side of Eardley Avenue and on the west by the northerly extension of the west side of Third Street in the City of Pacific Grove.

10902. The following constitutes a marine life refuge and shall be designated the San Diego Marine Life Refuge: San Diego Refuge

That portion of District 19 consisting of that certain strip of land lying between the westerly edge of Pueblo Lot No. 1298 of the pueblo lands of the City of San Diego, according to the official map of said pueblo lands as made by James Pascoe, and filed in the Office of the County Recorder of said County of San Diego, and the lowest tide line opposite to and west of said pueblo lot, which said strip of land is bounded on the north by the northerly boundary line of said pueblo lot extended westerly and on the south by the southerly boundary line of said pueblo lot extended westerly; together with the state waters of the State of California adjacent thereto, being those state waters which lie between said extended northerly and southerly boundaries of said pueblo lot and extend westerly from said lowest low tide line for a distance of 1,000 feet.

Article 7. Junior Fishing Reserve

Junior fishing reserve

10925. In that part of District 1½ comprising the waters of Francis Creek, Rees Creek, and Williams Creek, it is unlawful for any person over the age of 14 to take any fish. No more than 10 fish may be taken and possessed from those creeks during one day.

It is the purpose of this section to create a junior fishing reserve for young people so that they may practice the art of angling without interference with, or being interfered with by, licensed sporting fishermen and others during lawful fishing seasons.

Article 8. Burro Sanctuary

(Article 8 added by Stats. 1957, Ch. 867.)

Burro sanctuary

10930. The following is a burro sanctuary: All that area within the following boundaries:

Beginning at the point at which the northern boundary line of Death Valley National Monument intersects with the easterly boundary line of the State of California;

Thence westerly along the northern boundary line of Death Valley National Monument to the point of intersection with the line common to R. 40 and 41 E., Mount Diablo Meridian, being the NE. corner of Sec. 24, T. 10 S., R. 40 E., M. D. B. & M.;

Thence northerly along the line common to R. 40 and 41 E., M. D. M., to the point of intersection with the line common to T. 9 and 10 S., Mount Diablo Base, being the NE. corner of Sec. 1, T. 10 S., R. 40 E., M. D. B. & M.;

Thence westerly along the line common to T. 9 and 10 S., M. D. B., and the prolongation thereof, to the point of intersection with the most easterly boundary line of the Inyo National Forest, as such boundary exists on the effective date of this act, being the NW. corner of Sec. 6, T. 10 S., R. 37 E., M. D. B. & M.;

Thence southerly and easterly along the most easterly boundary line of the Inyo National Forest to the most easterly southeast corner of said national forest;

Thence in a direct line in a generally southeasterly direction to the point at which the center line of State Highway Route 127 (No. 190) intersects with the line common to R. 41 and 42 E., M. D. M.;

Thence southerly along the line common to R. 41 and 42 E., M. D. M., to the point of intersection with the line common to T. 20 and 21 S., M. D. B., being the SW. corner of Sec. 31, T. 20 S., R. 42 E., M. D. B. & M.;

Thence westerly one-half mile, more or less, along the line common to T. 20 and 21 S., M. D. B., to the point of intersection with the line common to R. 41 and 42 E., M. D. M., being the NW. corner of Sec. 6, T. 21 S., R. 42 E., M. D. B. & M.;

Thence southerly along the line common to R. 41 and 42 E., M. D. M., to the point of intersection with the boundary line between Inyo and San Bernardino Counties;

Thence easterly along said county boundary line to the point of intersection with the easterly boundary line of the State of California;

Thence northwesterly along said easterly boundary line of the State to the point of beginning.

(Added by Stats. 1957, Ch. 867.)

Prohibitions

19031. Except as otherwise provided in Chapter 5 (commencing with Section 4600) of Part 3, Division 4 of this code it is unlawful to take, possess, harm, molest, harass, or in any manner interfere with any burro which is in the burro sanctuary described in Section 19030 of this code. Any violation of these provisions is a misdemeanor.

The provisions of this section, other than those relating to the taking and possession of burros, do not apply to persons while lawfully on lands included within the sanctuary and engaged in the business of raising cattle.

(Added by Stats. 1957, Ch. 867.)

DIVISION 8. DISTRICTS

CHAPTER 1. BOUNDARIES

Fish and game districts

11000. For the protection of fish and game, the State of California is divided into fish and game districts to be known and designated as provided in this division.

Unless otherwise provided, the townships and ranges specified in this division are referred to the Mount Diablo base and meridian.

District 1

11001. The following constitutes Fish and Game District 1:

Those portions of the following counties not included in other districts: Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, Madera, Tulare; those portions of San Joaquin County lying east and north of the east bank of the San Joaquin River and not included in Districts 3 and 12B; those portions of Stanislaus and Merced Counties lying east of the west bank of the San Joaquin River; those portions of Fresno County lying east of the west bank of Fresno Slough, Fish Slough and Summit Lake; those portions of Kings County lying east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings County in Section 4, T. 18 S., R. 19 E., southerly to its crossing of State Highway No. 41 between Secs. 21 and 22, T. 21 S., R. 19 E., and east of State Highway No. 41 southerly to its intersection with State Highway No. 33, and easterly of State Highway No. 33 from said intersection to the south line of said county in Section 36, T. 24 S., R. 18 E.; those portions of Kern County lying east of State Highway No. 33 between the northerly line of said county in Section one (1), T. 25 S., R. 18 E., M. D. B. & M.,

and the City of Taft and U. S. Highway No. 399 between the City of Taft and the City of Maricopa, and lying north of State Highway No. 166 from the City of Maricopa easterly to the intersection of said highway with U. S. Highway No. 99 in Section twelve (12), T. 11 N., R. 20 W., S. B. B. & M., and lying east of U. S. Highway No. 99 from the above-mentioned point of intersection to where the said U. S. highway crosses the northern boundary line of Los Angeles County, not included in other districts.

District 1⅜

11002. The following constitutes Fish and Game District 1⅜:

Those portions of the following counties not included in other districts: Alpine, El Dorado, Amador, Calaveras, Tuolumne and Mariposa.

Except as otherwise provided, all of the provisions of this code relating to District 1 shall apply to District 1⅜.

District 1½

11003. The following constitutes Fish and Game District 1½:

Those portions of the Counties of Del Norte, Siskiyou, Trinity, and Humboldt not included in other districts.

District 1¾

11004. The following constitutes Fish and Game District 1¾:

Those portions of the County of Modoc not included in other districts and that portion of the County of Siskiyou lying east of the Weed-Klamath Falls Highway between the north line of the County of Siskiyou and the Town of Weed and east of the Pacific Highway between the Town of Weed and the junction of Pacific Highway and the McCloud-Fall River Mills Highway and north and east of the McCloud-Fall River Mills Highway to the Siskiyou and Shasta county line and that part of Shasta County lying north and east of the McCloud-Fall River Mills Highway to its junction with the road to Lake Britton at Dickson Flat and east of that road through Burney Falls State Park to its junction with the Hat Creek-Lassen Highway at the Redding-Alturas Highway and east of the Hat Creek-Lassen Highway to Lassen Volcanic National Park and north and east to the north and east boundary of Lassen Volcanic National Park to its junction with the Lassen county line. That part of Lassen County north and east of the north and east boundary of the Lassen Volcanic National Park to its junction with the north line of District 25 and east of the east boundary of District 25 to its junction with the Lassen-Plumas county line approximately one mile southeast of Coyote Peak in Sec. 24, T. 28 N., R. 10 E. and north and west of the Plumas-Lassen county line between the boundary of District 25 and the Susanville-Taylorsville road.

District 2

11005. The following constitutes Fish and Game District 2:

Those portions of the following counties not included in other districts: Mendocino, Glenn, Colusa, Yolo, Solano, Napa, Sonoma, and Marin; that portion of San Francisco Bay lying westerly of a line drawn from California Point to San Quen-

tin Point; that portion of San Francisco Bay lying westerly of a line drawn from San Quentin Point to San Pedro Point, in Marin County; that portion of San Pablo Bay lying westerly of a line drawn from San Pedro Point to the south side of the mouth of Novato Creek; and that portion of San Pablo Bay lying northerly of a line drawn due east from the south side of the mouth of Novato Creek to the westerly shore of Mare Island.

District 2¼

11006. The following constitutes Fish and Game District 2¼:

Lake County and the waters of Clear Lake.

Any reference in this code to Clear Lake refers to District 2¼.

Except as otherwise provided, all of the provisions of this code relating to District 2 apply to District 2¼.

District 2½

11007. The following constitutes Fish and Game District 2½:

Those portions of T. 24 N., R. 18 and 19 W.; 23 N., R. 17 and 18 W.; 22 N., R. 17 and 18 W.; 21 N., R. 17 W., west of the summit of the divide between the Pacific Ocean and the south fork of the Eel River.

All of T. 12, 13, 14, 15, 16, 17, 18 N., R. 16 W.; and T. 12, 13, 14, 15, 16, 17, 18, 19 and 20 N., R. 17 W., and T. 17 and 18 N., R. 18 W.

All being townships located in western Mendocino County.

District 3

11008. The following constitutes Fish and Game District 3:

Those portions of the following counties not included in other districts: San Francisco, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey, San Joaquin, Stanislaus, Merced, Fresno, and Kings.

District 3½

11009. The following constitutes Fish and Game District 3½:

Those portions of the following counties not included in other districts: San Luis Obispo, Santa Barbara, Ventura, and Kern.

Except as otherwise provided all of the provisions of this code applicable to District 3 apply to District 3½.

District 4

11010. The following constitutes Fish and Game District 4:

Those portions of the following counties not included in other districts: San Bernardino, Riverside, and Orange.

District 4⅛

11011. The following constitutes Fish and Game District 4⅛:

All of Los Angeles County not included within other districts.

Except as otherwise provided, all of the provisions of this code applicable to District 4 apply to District 4⅛.

District 4½

11012. The following constitutes Fish and Game District 4½:

Those portions of the Counties of Mono and Inyo not included in other districts.

District 4½ 11013. The following constitutes Fish and Game District 4½:

Those portions of the Counties of San Diego and Imperial not included in other districts.

District 6 11014. The following constitutes Fish and Game District 6:

The ocean waters and tidelands of the State to the high-water mark lying between the northern boundary of this State and a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay, excluding all sloughs, streams, and lagoons.

District 7 11015. The following constitutes Fish and Game District 7:

The ocean waters and tidelands of the State to high-water mark between a line extending due west from the west end of the north jetty at the entrance of Humboldt Bay and the southern boundary of Mendocino County, excluding the ocean waters between the north and south jetties at the entrance of Humboldt Bay from the westerly end of each of said jetties in the Pacific Ocean to their respective aprons on the shores of Humboldt Bay, and also excluding all sloughs, streams, and lagoons.

District 8 11016. The following constitutes Fish and Game District 8:

The waters and tidelands to high-water mark of Humboldt Bay lying north of a straight line running east from the center of apron at the approach of the south jetty at the entrance of Humboldt Bay to the east shore line of the bay including the entrance of Humboldt Bay not included in District 7, and excluding all rivers, streams, and sloughs emptying into the bay.

District 9 11017. The following constitutes Fish and Game District 9:

The waters and tidelands to high-water mark of Humboldt Bay lying south of a straight line running east from the center of apron at the approach to the south jetty at the entrance of Humboldt Bay to the east shore line of the bay, excluding all rivers, streams, and sloughs emptying into the bay.

District 10 11018. The following constitutes Fish and Game District 10:

The ocean waters and the tidelands of the State to high-water mark lying between the southern boundary of Mendocino County and a line extending west from the Pigeon Point lighthouse in San Mateo County, including the waters of Tomales Bay, to a line drawn from the western end of the railroad bridge across the entrance to Millerton Gulch to Bailey's wharf at Inverness and excluding Bodega Lagoon and all that portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying east of a line drawn from Point Bonita to Point Lobos and all rivers, streams, and lagoons.

District 11 11019. The following constitutes Fish and Game District 11:

The waters and tidelands of San Francisco Bay to high-water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita; thence in a direct line to the extreme westerly point of Point Lobos; thence around the shore line of San Francisco Bay to the foot of Powell Street; thence in a direct line northwesterly to Peninsula Point, the most southerly extremity of Belvedere Island; thence in a direct line westerly to the shore end of the Northwestern Pacific Railroad Ferry slip at Sausalito; thence southerly and westerly around the shore of San Francisco Bay to the point of beginning.

District 12

11020. The following constitutes Fish and Game District 12:

The waters and tidelands of San Francisco Bay to high-water mark not included in Districts 11 and 13, the waters and tidelands to high-water mark of San Leandro Bay, Oakland Creek or estuary, San Antonio Creek in Alameda County, Racoon Straits, and San Pablo Bay, and the Carquinez Straits to the Carquinez Bridge, and all lands and waters included within the exterior boundaries of these districts and excluding all tributary sloughs, creeks, bays, rivers, and overflowed areas not specifically described herein.

District 12B

11021. The following constitutes 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 13

11022. The following constitutes Fish and Game District 13:

The waters and tidelands to high-water mark of San Francisco Bay lying to the south of a line drawn between the Ferry Building at the foot of Market Street in San Francisco and the mouth of the Oakland Creek or estuary in Alameda County, excluding all streams, sloughs, and lagoons.

District 15

11023. The following constitutes Fish and Game District 15:

The waters and tidelands to high-water mark of that portion of Monterey Bay lying within the area described and bounded as follows:

Beginning at a point on the coast line four miles west of the Santa Cruz Lighthouse; thence south to a point where the water reaches a depth of 10 fathoms; thence easterly along the contour of said 10-fathom depth to a point directly south of the mouth of Aptos Creek; thence north to the said mouth

of Aptos Creek; thence westerly following the high-tide line of Monterey Bay to the point of beginning.

District 16 11024. The following constitutes Fish and Game District 16:

The waters and tidelands to high-water mark of that portion of Monterey Bay lying to the south of a line drawn from the extreme northerly point of Point Pinos in a straight line easterly to the eastern shore of Monterey Bay at a point north of the Town of Seaside, that point being marked by a permanent monument placed by the United States Government surveyors, and designated as "Monterey N. O. T. C. and G. S. Sta."

District 17 11025. The following constitutes Fish and Game District 17:

The waters and tidelands to high-water mark of Monterey Bay and the Pacific Ocean, lying between a line extending west from Pigeon Point Lighthouse and a line extending west from Yankee Point, Carmel Highlands in Monterey County, excluding the areas included in Districts 15 and 16, and excluding all rivers, creeks, sloughs and lagoons emptying into the Pacific Ocean and Monterey Bay within the boundaries thus defined.

District 18 11026. The following constitutes Fish and Game District 18:

The ocean waters of the State and tidelands to high-water mark not included in other districts, lying between a line extending due west from Yankee Point, Carmel Highlands, in Monterey County, and a line extending from Point Rincon near or at the common boundaries between Santa Barbara and Ventura Counties westerly through Richardson Rock, and excluding all rivers, streams, sloughs, and lagoons.

District 19 11027. The following constitutes Fish and Game District 19:

The ocean waters of the State and tidelands to high-water mark, and islands off the coast and waters adjacent thereto, lying southerly of Fish and Game District 18, and northerly of a westerly extension of the boundary line between the Republic of Mexico and San Diego County, excepting Districts 19A, 20, and 20A, and excluding all rivers, streams, sloughs, lagoons, and bays.

District 19A 11028. The following constitutes Fish and Game District 19A:

The ocean waters and tidelands to high-water mark lying between the southerly extremity of Malibu Point and the westerly extremity of Rocky Point (Palos Verdes Point), excluding all rivers, streams and lagoons.

District 19B 11029. The following constitutes Fish and Game District 19B:

The ocean waters and tidelands to high-water mark lying within the following area:

Beginning at the west end of the San Pedro Breakwater, thence in an extended line following the axis of said San

Pedro Breakwater, the middle breakwater and the Long Beach Breakwater to the east end of the latter, thence to the outer end of the west jetty of Anaheim Bay, thence to the outer end of Seal Beach Pier, thence to the outer end of Balmont Pier, thence to the outermost point of Rainbow Pier, thence to the outer end of the easterly Fish Harbor Extension Breakwater, and thence to the point of beginning.

District 19B is an ocean district within the meaning of that term as used in Section 8780.

Except as otherwise provided, all of the provisions of this code applicable to Districts 4 and 4½ apply to District 19B.

District 20

11030. The following constitutes Fish and Game District 20:

Santa Catalina Island and the portion of the state waters within three nautical miles of the island's coast line on the northerly, easterly, and southerly side of the island, lying between a line extending three nautical miles west magnetically from the extreme westerly end of Santa Catalina Island to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point.

District 20A

11031. The following constitutes Fish and Game District 20A:

The waters lying around Santa Catalina Island, within three nautical miles of the coast line of the island, which are not included in District 20.

District 21

11032. The following constitutes Fish and Game District 21:

The waters and tidelands to high-water mark of San Diego Bay lying inside of a straight line drawn from Point Loma to the offshore end of the San Diego breakwater.

District 22

11033. The following constitutes Fish and Game District 22:

All of Imperial County and those portions of Riverside and San Bernardino Counties lying south and east of the following line: Starting at the intersection of Highway 99 with the north boundary of Imperial County, thence north along that highway to the intersection with Highway 60 and 70; thence east along Highway 60 and 70 to its intersection with the Cottonwood Springs Road in Sec. 9, T. 6 S., R. 11 E.; thence north along that road and the Mecca Dale Road to Amboy; thence east along Highway 66 to the intersection with Highway 95; thence north along Highway 95 to the California-Nevada boundary.

District 23

11034. The following constitutes Fish and Game District 23:

The lands and waters lying within the drainage area of Rubicon and Little Rubicon Rivers above their confluence in Sec. 13, T. 13 N., R. 13 E.; all lands and waters lying within the drainage area of the South Fork of the American River and all its tributaries above Chili Bar Bridge on the Placerville-Georgetown Highway; all of the lands and waters lying within the drainage area of Webber Creek above the Mother

Lode Highway between El Dorado and Placerville; the waters of Lake Tahoe and the Truckee River, and all streams flowing into that lake and river, and all lands and waters within the drainage basin of that lake and river lying within this State; the waters of Silver Lake, Twin Lakes, Twin Lake, Blue Lakes, Meadow Lake, Wood Lake, Winnemucca Lake and Scott's Lake, Burnside Lake, the Carson River, the West Fork of the Carson River, Willow Creek and Markleeville Creek and all tributaries of those streams and all streams flowing into those lakes and all lands and waters lying within the drainage basin of those lakes, rivers and streams within this State; all the waters of the Cosumnes River and its tributaries, and all lakes lying within the watershed of that river and tributaries above the bridge on the Mother Lode Highway between Plymouth and Nashville, all being within the Counties of Alpine, Amador, and El Dorado.

District 25

11035. The following constitutes Fish and Game District 25:

The waters of Lake Almanor and all streams flowing into that lake and all lands lying within the drainage basin of those streams and lake, all being within the Counties of Plumas and Lassen.

Klamath River District

11036. The following constitutes the Klamath River Fish and Game District:

The waters of the Klamath River as described in the initiative act to create the Klamath River Fish and Game District, approved by the electors on November 4, 1924, which initiative act provides:

The Klamath River Fish and Game District is hereby created and shall consist of the Klamath River and the waters thereof, following its meanderings from the confluence of the Klamath River and the Shasta River in the County of Siskiyou to the mouth of the Klamath River in Del Norte County.

Every person, firm, corporation or company who constructs or maintains any dam or other artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars ($500) or be imprisoned in the county jail of the county in which the conviction shall be had, not less than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed, placed or maintained in said district is hereby declared to be a public nuisance.

Trinity and Klamath River District

11037. The following constitutes the Trinity and Klamath River Fish and Game District:

The Klamath River and the waters thereof, following its meanderings from the mouth of the Klamath River in Del Norte County to its confluence with the Salmon River, and also the Trinity River and the waters thereof, following its meanderings from its confluence with the Klamath River in the County of Humboldt to its confluence with the south fork of the said Trinity River.

11038. The following constitutes Fish and Game District 118: District 118

The ocean waters and tidelands lying within the following boundaries:

Beginning at the south side of the pier at San Simeon thence westerly three miles, thence southerly to a point three miles west of the southern boundary of the state park at Cambria in San Luis Obispo County, thence easterly to the southwest point of the state park at Cambria.

All of the provisions relating to District 18 shall apply to District 118, except those relating to areas open to abalone fishing for commercial purposes.

11039. The following constitutes Fish and Game District 118.5: District 118.5

The ocean and tidelands to high-water mark, not included in other districts, excluding all rivers, streams, sloughs, and lagoons, bounded by a line beginning at the intersection of the common boundary of Monterey and San Luis Obispo Counties with the mean high-water mark, thence due west two miles to a point, thence by a line following the coast line and parallel to it southerly to a point two miles south of the intersection of the common boundary of Santa Barbara and Ventura Counties with the mean high-water mark, thence north to the intersection of the common boundary of Santa Barbara and Ventura Counties with the mean high-water mark.

Except as otherwise provided, all of the provisions relating to District 18 shall apply to District 118.5.

DIVISION 9. FINES AND PENALTIES

CHAPTER 1. GENERAL PROVISIONS

12000. The violation of any provision of this code, other than Section 12001, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor. Violations misdemeanor

12001. Any person whose license has been revoked under Section 12150 of this code, who applies for a hunting license or hunts without a license, is guilty of a felony. Felony

12002. Except as provided in Sections 12003, 12012, 12013, and 12014, the maximum punishment for a violation constituting a misdemeanor under Section 12000 is a fine of not more than five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both. Maximum punishment

12003. The minimum and maximum punishment for violation of any regulation which has superseded a code section shall be the same as provided for the superseded section. Superseded sections

12004. A violation of any of the following provisions is punishable by imprisonment in the county jail for a term not exceeding one year or a fine not exceeding one thousand dollars ($1,000), or both: Violation Imprisonment or fine

(a) Any provision of this code relating to sea otter.

(b) Any provision of Sections 4600 to 4606, inclusive, of this code.

(c) Any provision of Section 1059 of this code.

Minimum punishment

12005. The minimum punishment for a violation of any of the following provisions of this code is a fine of ten dollars ($10) or imprisonment in the county jail for five days:

(a) Those in Sections 1052 to 1060, inclusive, 2012, 3030, 3032, 7121, 7145, 7155, 7180, 7181, 7921 to 7923, inclusive, and 13002.

(b) Those in Sections 2250, 2251, and 4001 to 4009, inclusive.

Same

12006. The minimum punishment for a violation of any of the following provisions of this code is a fine of twenty-five dollars ($25) or imprisonment in the county jail for 10 days:

(a) Those relating to refuges.

(b) 308, 331 to 333, inclusive,

1124, 1051, 1052,

2000 to 2010, inclusive, 2225, 2270 to 2273, inclusive, 2301 to 2304, inclusive, 2346, 2348 to 2350, inclusive, 2352 to 2354, inclusive, 2356 to 2360, inclusive, 2366, 2368 to 2370, inclusive, 2430, 2431,

Same

3000 to 3006, inclusive, 3080, 3081, 3083 to 3086, inclusive, 3219, 3240 to 3244, inclusive, 3501 to 3510, inclusive, 3651 to 3653, inclusive, 3659, 3660, 3680, 3681, 3804,

4181, 4183, 4185, 4300 to 4303, inclusive, 4330, 4331, 4336, 4341, 4500,

5502 to 5511, inclusive, 5651, 5670, 5672, 5800, 5948,

6305, 6400, 6422, 6425, 6426, 6452, 6454, 6455, 6480, 6482 to 6509, inclusive, 6851, 6852, 6854,

7120, 7148, 7230, 7231, 7254, 7255, 7290, 7332, 7850, 7923,

8100 to 8106, inclusive, 8150, 8180 to 8189, inclusive, 8210 to 8219, inclusive, 8252, 8253, 8276, 8278, 8279, 8301 to 8316, inclusive, 8341 to 8343, inclusive, 8345, 8346, 8370, 8372, 8373, 8376, 8377, 8380, 8382 to 8388, inclusive, 8392, 8393, 8395, 8396, 8430, 8432, 8435, 8463,

10710, 10711, 10925.

12007. The minimum punishment for a violation of any of the following provisions of this code is a fine of fifty dollars ($50) or imprisonment in the county jail for 10 days: those in Sections 2400, 2401, 3200 to 3203, inclusive, 3205, and 3208 to 3216, inclusive.

12008. The minimum punishment for a violation of Section 4304 is a fine of not less than fifty dollars ($50) or imprisonment in the county jail for not less than 30 days, or both.

12009. The minimum punishment for a violation of Section 12165 is a fine of not less than one hundred dollars ($100) or imprisonment in the county jail for not less than 10 days, or both.

12010. The minimum punishment for a violation of any of the following provisions of this code is a fine of one hundred dollars ($100) or imprisonment in the county jail for 25 days:

Sections 725 to 730, inclusive, 5500, 5650, 7700 to 7710, inclusive, 7880 to 7889, inclusive, 8010 to 8018, inclusive, 8151 to

8155, inclusive, 8040 to 8056, inclusive, and Chapter 3 (commencing with Section 8601) of Part 3 of Division 6.

12011. The minimum punishment for a violation of Section 12158 is a fine of not less than one hundred dollars ($100) or imprisonment in the county jail for not less than 60 days, or both.

Violation: Use of gill or trammel nets

12012. A violation of Section 8686 is punishable by a fine of one hundred dollars ($100).

Same Mutilation, etc

12013. A violation of Section 2011 is punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for not more than six months, or both.

Same Homing pigeons

12014. A violation of Section 3680 is punishable by a fine of not less than twenty-five dollars ($25) nor more than fifty dollars ($50) or by imprisonment in the county jail not to exceed 50 days.

Pollution, additional penalty

12015. In addition to any other penalty provided, anyone convicted of unlawfully polluting, contaminating, or obstructing waters to the detriment of fish life in such waters, shall either be required to remove any substance placed in the waters, which can be removed, that caused the prohibited condition or to pay the costs of such removal by the department.

(Added by Stats. 1957, Ch. 2039.)

CHAPTER 2. FORFEITURES, REVOCATIONS, AND SEIZURES

Wounding, etc., human being

12150. Whenever any person, while hunting, kills or wounds any human being and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred. The district attorney shall thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the revocation of the hunting license of the person who did the killing or the wounding. If the court finds that such person did the killing or wounding but that it was caused by a ricochet or that he was otherwise without fault, it shall dismiss the proceeding. Otherwise, if the court finds that such person did the killing or wounding, it shall revoke his hunting license, and no such license shall thereafter be issued to him.

Wounding, etc., domestic animal

12151. Whenever any person, while hunting, kills or wounds any domestic animal belonging to another and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred. The district attorney shall thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the revocation of the hunting license of the person who did the killing or wounding. If the court finds that such person did the killing or wounding but that it was caused by a ricochet or that he was otherwise without fault, it shall dismiss the proceeding. Otherwise, if the court finds that such person did the killing or wounding,

it shall revoke his hunting license, and no hunting license shall thereafter for a period of five years be issued to him.

Revocation

12152. Whenever a hunting license is revoked pursuant to Section 12150 or Section 12151, the court in which the proceeding for revocation was had shall report the facts to the department at its Sacramento headquarters office. The report shall show the date and place of the occurrence, the name and address of the person who did the killing or wounding, the name and address of the person who was killed or wounded or the name and address of the owner of the animal, as the case may be, and such other information as the department may require.

The department shall maintain a record of all revocations under Section 12150 and Section 12151. The record shall show the name and address of the person whose license was revoked, and, in the case of each revocation under Section 12151, the date of the revocation. The department shall periodically transmit copies of such records to each person authorized to issue a hunting license and to each district attorney in the State.

Net forfeiture

12153. Any commercial fishing license is forfeited for the violation of any of the provisions of Sections 1050 to 1060, inclusive, 2012, or 13002 of this code, or of any of the provisions of this code relating to the use of nets.

Three convictions Sport fishing license

12154. The sport fishing license of any person to whom such a license has been issued shall be forfeited upon his third conviction of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of fish.

Same. Hunting license

12155. The hunting license of any person to whom such a license has been issued shall be forfeited upon his third conviction of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of birds or mammals.

Violation: Trapping license

12156. The license of any person to take fur-bearing mammals shall be forfeited upon his violating any provision of this code or regulation made pursuant thereto relating to the taking or possession of fur-bearing mammals.

Equipment forfeiture

12157. The judge before whom any person is tried for a violation of any provision of this code or regulation made pursuant thereto may, in his discretion, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, or amphibia and which was used in committing the offense charged. Any device or apparatus so forfeited shall be sold or destroyed by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund.

Suspension or revocation

12158 The sport fishing or hunting license of any person to whom such a license has been issued, may, in the discretion of the court, be suspended or revoked upon his conviction of a violation of any provision of this code or regulation made

pursuant thereto relating to hunting or fishing for purposes other than profit, in addition to any fine or other punishment imposed.

Any person who obtains another hunting or fishing license during the period his license has been suspended or revoked is guilty of a misdemeanor.

Seizure of birds, mammals, etc.

12159. All birds, mammals, fish or amphibia, or any part thereof, which have been taken, possessed, sold, or transported contrary to any of the laws of this State shall be seized by the department, and, in accordance with the commission's regulations, notice of such seizure shall be given to the person who had possession of the birds, mammals, fish, or amphibia, or any portion thereof, at the time of seizure if he is known.

Sale, etc

12160. All birds, mammals, fish, or amphibia, or any part thereof, seized in accordance with Section 12159, the sale of which is not prohibited and which have a current market value of one hundred dollars ($100) or more, shall be packed, preserved, sold for bait, used for fish food in state-owned fish hatcheries, or otherwise put to economical use immediately upon seizure, at the prevailing market price for legal birds, mammals, fish, or amphibia in effect on the date of seizure. Any proceeds thereof shall be placed in the Fish and Game Preservation Fund. If the person from whom such birds, mammals, fish, or amphibia were seized is not convicted in a court of competent jurisdiction for the offense out of which the seizure arose, then and in that event the proceeds shall be returned to such person.

Judicial order re forfeiture

12161. The judge before whom any person is tried for taking, possession, selling, or transporting birds, mammals, fish, or amphibia contrary to the laws of this State shall upon the conviction of the accused make an order forfeiting and disposing of the birds, mammals, fish, or amphibia in accordance with the provisions of Section 12160. However, if the birds, mammals, fish, or amphibia may not be sold lawfully or have a current market value of less than one hundred dollars ($100), the judge may at his discretion order that they be donated to a state, county, city, or any charitable institution, or that they be destroyed.

Sale or donation

12162. Any seizure of any birds, mammals, fish, or amphibia made under circumstances wherein it cannot be determined who took, possessed, sold, or transported them contrary to law may be sold or donated to a state, county, city, city and county, or any charitable institution.

Purchase from department

12163. Any person who purchases birds, mammals, fish, or amphibia, or parts thereof, from the department pursuant to the preceding sections shall, upon delivery to him, pay to the department for deposit in the Fish and Game Preservation Fund, the prevailing market price for legal birds, mammals, fish, or amphibia in effect on the date of seizure.

Trespasser

12164. The court before whom any person has been convicted of trespassing under Section 602 or 627 of the Penal Code shall, in addition to any other fine or forfeiture imposed,

confiscate any bird or mammal taken while trespassing, and shall dispose of the bird or mammal to a charitable institution or cause it to be destroyed if unfit for human consumption.

Revocation of guide license

12165. When any person licensed as a guide under Section 2536 is adjudged guilty by a court of competent jurisdiction of violating or permitting the violation of any provision of this code or regulation made pursuant thereto, in addition to any fine or other punishment imposed, the court may revoke his guide license.

Any person who obtains another guide license within two years after a guide license issued to him has been revoked or forfeited, is guilty of a misdemeanor.

CHAPTER 3. CALIFORNIA INDIANS

California Indians

12300. Irrespective of any other provision of law, the provisions of this code are not applicable to California Indians whose names are inscribed upon the tribal rolls, under those places and circumstances in this State where the code was not applicable to them immediately prior to the effective date of Public Law 280, Chapter 505, First Session, 1953, Eighty-third Congress of the United States.

No such Indian shall be prosecuted for the violation of any provision of this code occurring in the places and under the circumstances hereinabove referred to. Nothing in this section, however, prohibits or restricts the prosecution of any Indian for the violation of any provision of this code prohibiting the sale of any bird, mammal, fish, or amphibia.

DIVISION 10. REVENUE

CHAPTER 1. STATE

Fish and Game Preservation Fund

13000. The Fish and Game Preservation Fund in the State Treasury is continued in existence.

Proceeds

13001. Unless otherwise provided, all money collected under the provisions of this code and of any other law relating to the protection and preservation of birds, mammals, fish, or amphibia shall be paid into the State Treasury to the credit of the Fish and Game Preservation Fund.

License sales

13002. The department shall pay into the State Treasury at least once a month the money received by it from the sale of licenses issued under the provisions of this code.

Fine deposits

13003. Unless otherwise provided by law, all fines and forfeitures imposed or collected in any court of this State for violations of any of the provisions of this code or regulation made pursuant thereto, or any other law providing for the protection or preservation of birds, mammals, fish, or amphibia, shall be deposited as soon as practicable after the receipt thereof with the county treasurer of the county in which the court is situated. Amounts so deposited shall be paid at least once a month as follows:

(a) One-half to the State Treasurer, by warrant of the county auditor drawn upon the requisition of the clerk or judge of the court, for deposit in the Fish and Game Preservation Fund in the State Treasury on order of the State Controller. At the time of such transmittal the county auditor shall forward to the State Controller, on such form or forms as the State Controller may prescribe, a record of the imposition, collection, and payment of the fines or forfeitures.

(b) One-half to the county in which the offense was committed.

Appropriation of fund

13004. The money in the Fish and Game Preservation Fund is appropriated as follows:

(a) To the department for payment of refunds, subject to the approval of the State Board of Control, prior to payment thereof, of money received or collected in payment of fees, or for licenses, permits, or services whenever the license, permit, or services cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represent overpayment or payment in duplicate This subdivision does not apply to fines and forfeitures erroneously deposited in the fund.

(b) To the State Controller for the payment of refunds of fines and forfeitures determined by him to have been erroneously deposited in the fund, subject to approval of the State Board of Control prior to the payment of such refunds.

(c) To the department for expenditure in accordance with law for the payment of all necessary expenses incurred in carrying out the provisions of this code and any other laws for the protection and preservation of birds, mammals, and fish.

(d) To the commission for expenditure in accordance with law for the payment of the compensation and expenses of the commissioners and employees of the commission.

Restriction on expenditures

13005. Fifty percent of all revenue attributable to the increase in license fees established by amendment of Sections 3031, 3652, 4332, 7149, and 7852 at the 1957 Regular Session of the Legislature shall not be available for expenditure unless and until specifically appropriated by the Legislature. The increased revenue shall be determined monthly by the department and certified to the State Controller.

(Added by Stats. 1957, Ch. 1887.)

CHAPTER 2. COUNTY

Propagation fund

13100. The one-half of the amounts paid to the county treasurer pursuant to Section 13003 shall be deposited in a county fish and game propagation fund and expended for the propagation and conservation of fish or game, or both, within the county, under the direction of the board of supervisors.

Propagation and conservation in counties

13101. The board of supervisors of any county may enter into a written agreement with the board of supervisors of any

other county for the expenditure of any funds deposited in its fish and game propagation fund pursuant to Section 13100 for propagation and conservation purposes in either of the counties for the joint benefit of both as the judgment of the boards of supervisors may direct. The purchase of real property necessary for such purpose is lawful and title thereto shall be taken in the joint names of each county which contributes funds therefor. Such property may be deeded to the State upon the express condition that it shall be employed for the purpose of conservation and propagation within the counties.

Financial provisions

13102. Expenditures from the fish and game propagation fund of any county shall be subject to the provisions of Division 3 (commencing with Section 29000) of Title 3 of the Government Code.

DIVISION 11. PACIFIC MARINE FISHERIES COMPACT

CHAPTER 1. THE COMPACT

Oregon and Washington compact

14000. The Governor is hereby authorized and directed to execute a compact on behalf of this State with one or both of the States of Oregon and Washington for the purpose of cooperating with such states in the formation of a Pacific Marine Fisheries Commission.

Form and contents

14001. 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 division:

PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

Purposes

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon, and Washington jointly or separately now have or may hereafter acquire jurisdiction.

Construction

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

Operative date

This agreement shall become operative immediately as to those states executing it whenever two or more of the States of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent.

Article III

Pacific Marine Fisheries Commission

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein.

Terms, Vacancies etc.

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

Article IV

Powers and duties

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

Recommendations

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the States of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

Consultation

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

Recommendation

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V

Officers, etc

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

Article VI

Vote

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

Research

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make. Advisory committee

Article VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries. Sovereignty

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof. Absenteeism

Article X

The states agree to make available annual funds for the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five-year average), provided, no state shall contribute less than two thousand dollars ($2,000) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars ($100). State contributions

The compacting states agree to make available initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five-year catch records. Subsequent budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS

California	$11,000
Oregon	2,000
Washington	2,000
Total	$15,000

Article XI

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in Operative dates

writing of intention to withdraw from the compact to the other parties hereto.

Legislature

14002. Participation by this State in this compact shall continue until the Legislature otherwise provides by law. Notice of intention to withdraw from such compact shall be executed and transmitted by the Governor after the Legislature provides by law for discontinuance of participation therein by this State.

CHAPTER 2. THE COMMISSION

California members

14100. In furtherance of the provisions contained in the compact there shall be three members of the Pacific Marine Fisheries Commission from the State of California, appointed by the Governor by and with the advice and consent of the Senate. One such commissioner shall be the administrative or other officer of the department or agency of this State charged with the conservation of its marine fisheries resources; another commissioner shall be a Member of the Legislature of this State who is a member of a committee on interstate cooperation of the said Legislature, and another member shall be a citizen of this State who shall have wide knowledge of and interest in the marine fisheries problem.

Terms, vacancies, etc.

14101. The term of each commissioner shall be four years. A commissioner shall hold office until his successor shall be 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 qualifications required 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.

Compensation and expenses

14102. Each commissioner who is not also a state officer shall receive ten dollars ($10) for each day of actual service performed in carrying out his official duties pursuant to the directions of the commission, and each commissioner shall receive his actual and necessary travel expenses incurred in the performance of his official duties in behalf of the commission.

Policy

14103. All officers of the State are 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. The policy of this State is 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 the commission by any means lying within their legal rights.

14104. 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 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. Report to Governor and Legislature

14105. 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 thereof, subject to the limitations and qualifications contained in the sections of this division in aid and furtherance thereof. Execution

SEC. 3. Chapter 1447 of the Statutes of 1947 is repealed. Repeal

SEC. 4. Any section of a bill, enacted by the Legislature at its 1957 Regular Session prior to the enactment of this bill, which amends, adds, or repeals a section of the Fish and Game Code as proposed by this bill shall prevail over this bill. Precedence of bills

CHAPTER 457

An act to amend Section 2481 of the Education Code, relating to the organization of school districts.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect September 11, 1957

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

SECTION 1. Section 2481 of the Education Code is amended to read:

2481. The board of supervisors of a county may annex, or may order an election held to determine whether or not the elementary school district wishes to be annexed, to an elementary school district situated in whole or in part in any city in the county, other than a city of the sixth class, any contiguous elementary school district situated in the same county lying within or without a high school district, regardless of whether the elementary school district lies in whole or in part in any other city whenever a majority of the electors residing in the district to be annexed petition the board of supervisors in writing for annexation. The governing board of the district annexed ceases to exist upon the effective date of the annexation.

If an election is held, it shall be called and conducted in accordance with the provisions of Sections 2574 and 2575 of the Education Code.

CHAPTER 458

An act to amend Section 5003 of the Education Code, relating to school funds.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 5003 of the Education Code is amended to read:

5003. All moneys received by any school district or paid into the county or city and county treasury to the credit of the district from state apportionments, county, district or municipal taxes, other than moneys required to be placed in a special reserve fund, a building fund or bond interest and sinking fund, and moneys authorized to be paid into a cafeteria fund or account, or school farm account, shall be deposited in the general fund of the district, which fund is continued in existence in each county and city and county treasury.

Nothing in this section shall be construed as discontinuing, nor as affecting the disposition of moneys in emergency cash funds, in revolving funds for warehouse stock, in cafeteria funds or accounts, or school farm account, in special reserve funds, in building funds, or in bond interest and sinking funds created or established under this code.

CHAPTER 459

An act to amend Section 5503.5 of the Welfare and Institutions Code, relating to the procedure for the commitment of sexual psychopaths.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 5503.5 of the Welfare and Institutions Code is amended to read:

5503.5. The court shall refer the matter to the probation officer, along with a copy of the certification accompanied by the certifying court's statement, and the name and address of each psychiatrist appointed pursuant to Section 5504, to investigate and report to the court within a specified time, upon the circumstances surrounding the crime and the prior record and history of the person. The report shall include the criminal record, if any, of the person, obtained from the State Bureau of Criminal Identification and Investigation. The probation officer shall furnish to the psychiatrists pertinent information concerning the circumstances surrounding the crime and the prior record and history of the person.

CHAPTER 460

An act to amend Section 5517 of the Welfare and Institutions Code, relating to sexual psychopaths.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5517 of the Welfare and Institutions Code is amended to read:

5517. Whenever a person who is committed for an indeterminate period to the department for placement in a state hospital as a sexual psychopath (a) has recovered from his sexual psychopathy to such an extent that in the opinion of the superintendent the person is no longer a menace to the health and safety of others, or (b) has been treated to such an extent that in the opinion of the superintendent the person will not benefit by further care and treatment in the hospital and is not a menace to the health and safety of others, or (c) has not recovered from his sexual psychopathy, and in the opinion of the superintendent the person is still a menace to the health and safety of others, the superintendent of the hospital shall file with the committing court a certification of his opinion under (a), (b), or (c), as the case may be, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. If the opinion so certified is under (a) or (b), the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings, upon the return of the person to the court, and after considering all the evidence before it may place the person on probation for a period of not less than five years if the criminal charge permits such probation and the person is otherwise eligible for probation. As a condition of such probation the person shall totally abstain from the use of alcoholic liquor or beverages.

CHAPTER 461

An act to amend Section 3226 of the Health and Safety Code and Section 79.05 of the Civil Code, relating to public health laboratory tests and reports.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3226 of the Health and Safety Code is amended to read:

3226. Any laboratory doing a test required by this part shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local health department having jurisdiction over the area in which the physician submitting the specimen is located.

The triplicate shall be retained by the laboratory in its file according to serial number for two years and shall be open at any time for inspection by an authorized representative of the state department.

The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health.

SEC. 2. Section 79.05 of the Civil Code is amended to read:

79.05. The California State Department of Public Health shall issue a "Laboratory Report Form" to be distributed upon application to all laboratories approved to do tests called for in this article. Any laboratory doing tests called for in this article shall prepare the report in triplicate. The original of this report shall be transmitted by the laboratory doing such test together with the certificate form to the certifying physician. The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local public health department having jurisdiction over the area in which the certifying physician is located. The triplicate shall be retained by the laboratory on file according to serial number for two years and shall be open during that time for inspection by any authorized representative of the California State Department of Public Health. The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health.

CHAPTER 462

An act to add Section 1603.5 to the Health and Safety Code, relating to biologics and public health.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1603.5 is added to the Health and Safety Code, to read:

1603.5. The State Department may make rules and regulations governing the transportation or distribution of cultures of microorganisms which may produce disease in man or animals.

CHAPTER 463

An act to amend Section 1293 of the Fish and Game Code, and Section 4181 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to depredating game mammals.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1293 of the Fish and Game Code is amended to read:

1293. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by deer, elk, bear, beaver, or wild boar, may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

Property damage

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 1293 of the Fish and Game Code adopted in 1933, is repealed.

Effect. Stats. 1957, Ch. 456

CHAPTER 464

An act to amend Section 4863 of the Education Code, relating to accrediting the secondary schools.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4863 of the Education Code is amended to read:

4863. The governing board of a district maintaining a secondary school may pay the costs of accreditation of the secondary school by any accrediting association.

CHAPTER 465

An act to amend Sections 22555 and 22556 of, and to add Section 22207.5 to, the Government Code, relating to agreements for Social Security coverage of employees of public agencies.

In effect September 11 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 22555 of the Government Code is amended to read:

Forfeiture payments

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 reason 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. The board, in lieu of collection from the public agency, may offset any such sum which does not exceed one dollar ($1) in amount against excesses in the Old Age and Survivors Insurance Revolving Fund which are subject to transfer between the fund and the appropriation available for support of the board as provided in Section 22603.

SEC. 2. Section 22207.5 is added to said code, to read:

Majority of eligible employees

22207.5. Whenever an affirmative vote of a majority of the eligible employees in any coverage group is required as a condition of an application under this article, such requirement shall be deemed satisfied by the signatures of a majority of such eligible employees on a written petition to the legislative or governing body requesting such application. For the purposes of such requirement an employee shall be an eligible employee in each coverage group of a public agency in which he is employed and which is included in a separate application of the public agency.

SEC. 3. Section 22556 of said code is amended to read:

Reimbursement of 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 6 percent per annum from the time of such advance; provided, that there shall be no interest charge in any instance in which the amount of interest, if charged, would be less than one dollar ($1). Such interest when collected shall be paid into the Treasury and credited as revenue to the General Fund.

CHAPTER 466

An act to amend Section 14254 of the Government Code, relating to the performance of public work.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14254 of the Government Code is amended to read:

14254. As used in this chapter, "project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of five thousand dollars ($5,000).

CHAPTER 467

An act to repeal Section 1620 of the Streets and Highways Code and to amend Section 771 of the Vehicle Code, relating to county highway funds.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1620 of the Streets and Highways Code is repealed.

SEC. 2. Section 771 of the Vehicle Code is amended to read:

771. Disposition of Other Fines and Forfeitures. Of the total amount of fines and forfeitures received by a county under subparagraph 1(a) of Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State or by a county shall be paid into the treasury of such county in which is located the court imposing such fine or forfeiture, and all such money shall be deposited in the special road improvement fund.

CHAPTER 468

An act to amend Section 19251 of the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 19251 of the Streets and Highways Code is amended to read:

19251. If a majority of the votes cast at the election held in the district for determination of the question of dissolution are in favor of dissolution, the district shall be dissolved.

CHAPTER 469

An act to add Section 394.5 to the Military and Veterans Code, relating to the rights of private employees to temporary leaves of absence from their employers for periods of ordered military duty, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 394.5 is added to the Military and Veterans Code, to read:

394.5. Any employee of any corporation, company, or firm, or other person, who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary leave of absence without pay while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 17 calendar days annually including time involved in going to and returning from such duty.

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

This bill provides that employees who are members of the armed forces reserves shall be entitled to a temporary leave of absence for military duty without pay.

Many reservists will be taking their military leave commencing the month of May, and if this bill is to cover such persons, it must take effect immediately.

CHAPTER 470

An act to add Section 4125.1 to the Penal Code, relating to credits to inmates of county industrial farms and road camps for services rendered.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 4125.1 is added to the Penal Code, to read:

4125.1. The board of supervisors may contract with the United States or the State of California, or any department or agency thereof, for the performance of work and labor by any person in custody on any county industrial farm or industrial road camp in the suppression of fires within and upon the national forests, state parks, or other lands of the United States or the State of California, or within and upon such other lands, of whatever ownership, contiguous to, or adjacent to said state or federal lands, the suppression of fires upon which other lands affords fire protection to said state or federal lands. Such payments as may be so contracted for and to be paid by the United States or by the State of California for the work and labor so performed by any person so in custody may, by order of the board of supervisors, be credited in full or in part, and upon such terms and conditions as the board shall determine, to any such person so in custody and performing such work and labor, and all in addition to those credits hereinbefore provided in Section 4125 of this code.

Whenever any such person so in custody shall perform the services herein specified he shall be subject to workmen's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any such person so in custody, while performing such services, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

The term "suppression of fires" as herein used shall include the construction of firebreaks and other works of improvement for the prevention and suppression of fire whether or not constructed in the actual course of suppression of existing fires.

CHAPTER 471

An act to add Section 203.9 to the Welfare and Institutions Code, relating to county hospitals.

[Approved by Governor May 19, 1957 Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 203.9 is added to the Welfare and Institutions Code, to read:

203.9. The board of supervisors of any county in connection with the administration of any county hospital may establish in the county treasury a special fund to be known as the "patients' personal deposit fund." When such fund is established, any patient in such hospital may request the superintendent thereof to deposit in said fund any moneys belonging to such patient. Upon any such request by any patient any moneys belonging to him shall be deposited in the name of that patient in said patients' personal deposit fund, except that if a guardian of the estate is appointed for any such patient, then said guardian shall have the right to demand and receive

such moneys or to withdraw either in whole or in part the moneys theretofore deposited in said fund in the name of any such patient. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or otherwise used for the personal needs and benefits of said patient upon his request. At the time of the discharge from the hospital of any patient there shall be refunded to him upon the order of the superintendent the balance of any moneys standing to the credit of such patient in said fund.

Prior to the time of the discharge of any patient, upon the demand of the patient there shall be refunded to him upon the order of the superintendent the whole or any portion of the balance of any moneys standing to the credit of such patient in said fund. Upon such demand of the patient, or upon the discharge of the patient from the hospital, or upon the demand of the guardian of the estate of the patient, the superintendent shall order the refund to the patient or the payment to such guardian as hereinbefore provided.

CHAPTER 472

An act to add Section 53200.3 to the Government Code, relating to group insurance of county employees.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 53200.3 is added to the Government Code, to read:

53200.3. For the limited purpose of the application of this article, judges of the superior and municipal courts and the officers and attaches of said courts whose salaries are paid either in whole or in part from the salary fund of the county are county employees. The employer's contribution for such employees is a proper charge against the salary fund of the county and shall be paid through said fund in the same manner as the salaries, or portion of the salaries, of such employees.

CHAPTER 473

An act to add Section 8961.1 to the Health and Safety Code, relating to the use of public cemetery districts.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 8961.1 is added to the Health and Safety Code, to read:

8961.1. The provisions of Section 8961 of this code notwithstanding, any cemetery maintained by a public cemetery district may be used for the burial within the ground of a deceased nonresident of any such district; provided expressly, that the interment of such deceased nonresident has occurred prior to the effective date of this enactment. The use of any such cemetery shall also be extended to the burial of the members of the family of any such deceased nonresident of the district which last-named decedent was interred within such cemetery prior to the effective date of this enactment. The use of any such cemetery for the burial of the said members of the family of a deceased nonresident of the district, which last-named decedent was interred prior to the effective date of this enactment, shall extend to the burial of the said members of the family whether interred before or after the effective date of this enactment.

Except as herein specifically provided, the use of any cemetery maintained by any public cemetery district shall be expressly limited by the provisions of Section 8961 of this code.

CHAPTER 474

An act to add Section 24055 to the Financial Code, relating to exemption from the California Small Loans Law.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24055 is added to the Financial Code, to read:

24055. This division does not apply to any cemetery broker licensed under the Cemetery Act, Chapter 19 (commencing at Section 9600) of Division 3 of the Business and Professions Code, when transacting business as authorized by the Cemetery Act.

CHAPTER 475

An act to add Section 26003 to the Water Code, relating to assessments in irrigation districts.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 26003 is added to the Water Code, to read:

26003. The board may order the collector to cancel the uncollected assessment on any property which because of transfer to the State or another public agency is determined to be uncollectible.

CHAPTER 476

An act to amend Section 1105.3 of the Agricultural Code and Section 28150 of the Health and Safety Code, relating to eggs.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 1105.3 of the Agricultural Code is amended to read:

"Fresh eggs"

1105.3. It is unlawful to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent the same as being fresh, eggs which are below the quality of Grade A or held in cold storage over 30 days.

SEC. 2. Section 28150 of the Health and Safety Code is amended to read:

Fresh goods

28150. Unless otherwise permitted by this article, it is unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage. This section shall not apply to vegetables, fruit or other foods sold as "fresh frozen" and so labeled, when stored at or below zero degrees Fahrenheit, or to eggs held in cold storage for 30 days or less.

CHAPTER 477

An act to amend Sections 481 and 483 of the Vehicle Code, relating to duty to stop and report vehicle accidents.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 481 of the Vehicle Code is amended to read:

Stopping and reporting

481. Accidents Involving Property Damage. (a) The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident and shall fulfill the requirements of Section 482(b) hereof and any person failing to stop or to comply with said requirements under such circumstances is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both.

(b) This section shall have no application where the driver of a vehicle collides with any vehicle which is unattended.

(c) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to property, shall upon becoming aware of the accident fulfill the requirements

of subdivision (b) of Section 482 hereof and failure to comply with said requirements will upon conviction thereof, carry the same penalty as prescribed in subdivision (a) of Section 481.

SEC. 2. Section 483 of said code is amended to read:

Striking unattended vehicle

483. Duty Upon Striking Unattended Vehicle. (a) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof and shall within 24 hours forward a similar notice to the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, then either to the sheriff of the county wherein the collision occurred, or to the local headquarters of the California Highway Patrol and any person failing to stop or comply with said requirements is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any unattended vehicle shall comply with the requirements of subdivision (a) of Section 483 hereof, relating to notification and reporting and will upon conviction thereof, be liable to the penalties of subdivision (a) of Section 483 hereof for failure to comply with said requirements.

CHAPTER 478

An act to add Section 10206.1 to the Corporations Code, relating to nonprofit and charitable and eleemosynary corporations.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 10206.1 is added to the Corporations Code, to read:

10206.1. Any bequest, devise, gift, grant or promise contained in a will or other instrument of donation, subscription or conveyance, which takes effect or remains payable after the merger or consolidation of two or more nonprofit corporations, or corporations formed for charitable and eleemosynary purposes, and which is made to a constituent merged or consolidated corporation, shall inure to the remaining or new corporation resulting from the merger or consolidation.

CHAPTER 479

An act to amend Section 31649 of the Government Code, relating to deductions for military service under the County Employees Retirement Act of 1937.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 31649 of the Government Code is amended to read:

31649. (a) Any member who resigns to enter and does enter the armed forces of the United States and within 90 days after the termination of such service re-enters county service, or (b) any member who obtains a leave of absence to enter and does enter the armed forces of the United States and within one year after the termination of such leave of absence re-enters county service, if he has not contributed to the retirement fund the total percentage of his compensation earnable due under this chapter for the entire period during which he was out of county service, may, not more than 90 days after his re-entrance into county service, file with the board his election that no further contributions be deducted from his compensation except contributions due because of current service.

CHAPTER 480

An act to amend Section 22 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to contracts for improvements.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 22 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed four thousand five hundred dollars ($4,500), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance

of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of four thousand five hundred dollars ($4,500), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. If any change or alteration in a contract awarded under the provisions of this section is deemed necessary and the cost thereof does not exceed ten percent (10%) 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. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars ($3,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 481

An act to amend Section 14402 of the Government Code, relating to contracts on state work.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14402 of the Government Code is amended to read:

14402. Payments upon contracts shall be made as the department prescribes upon estimates made and approved by the department, but progress payments shall not be made in excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the State, and unused. The department shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the department finds that satisfactory progress is being made, the department may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof as the department may find appropriate based on the contractor's progress. The Controller shall draw his warrants upon estimates so made and approved by the department and the Treasurer shall pay them.

CHAPTER 482

An act to add Sections 69.1 and 69.2 to the Vehicle Code, relating to drivers' licenses.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 69.1 is added to the Vehicle Code, to read:

69.1. "Driver's License." "Driver's license" includes both an operator's and a chauffeur's license.

SEC. 2. Section 69.2 is added to said code, to read:

69.2. "Original Driver's License." "Original driver's license" means the first driver's license issued a person under this code.

CHAPTER 483

An act to amend Section 26905 of the Government Code, relating to the duties of the county auditor.

In effect September 11, 1957

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.]

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

SECTION 1. Section 26905 of the Government Code is amended to read:

26905 Not later than the last day of each month the auditor shall examine the books of the treasurer as of the close of business of the preceding month to determine that the treasurer maintained current and adequate records for internal control of transactions of his office and that the records of the treasurer are in agreement with the records of the auditor.

CHAPTER 484

An act to add Section 24355.1 to the Government Code, relating to county officers' cash statements.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect September 11, 1957

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

SECTION 1. Section 24355.1 is added to the Government Code, to read:

24355.1. In counties containing a population of 500,000 or over, the board of supervisors by ordinance may provide for the taking and subscribing of the affidavit required by either Section 24354 or Section 24355 by a deputy, designated agent or assistant of the officer.

CHAPTER 485

An act to amend Section 1157.1 of the Government Code, relating to pay roll deductions for public employees.

[Approved by Governor May 19, 1957. Filed with Secretary of State May 21, 1957.] In effect September 11, 1957

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 or agencies as provided in (a) or (b) above, together with former employees of such public agency or agencies if such former employees (1) were employees of such public agency or agencies at the time of joining such association, and (2) were members of such association at the time of ceasing to be such employees.

CHAPTER 486

An act to repeal Section 515 of, to add Section 515 to, and to amend Section 525.3 of, the Vehicle Code, relating to the operation of motor vehicles on the highways.

In effect September 11, 1957

[Approved by Governor May 20, 1957. Filed with Secretary of State May 21, 1957.]

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

Repeal

SECTION 1. Section 515 of the Vehicle Code is repealed.

SEC. 2. Section 515 of said code is added, to read:

Maximum speed Trucks or truck tractors

515. Speed of Motor Truck or Truck Tractor. Any motor truck or truck tractor having three or more axles or any motor truck or truck tractor with any trailer or semitrailer, or any combination thereof, shall not be driven on any highway at a speed in excess of 45 miles per hour.

This section does not include any bus having three or more axles.

SEC. 3. Section 525.3 of said code is amended to read:

Highway lanes

525.3. Certain Vehicles to Be Driven in Designated Lane. (a) Whenever the State Department of Public Works in respect to a state highway, or a local authority in respect to highways under its jurisdiction, determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of heavy vehicles would facilitate the safe and orderly movement of traffic, said department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 515 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 515 shall be driven in the lane or lanes designated pursuant to subdivision (a) hereof whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway and when overtaking and passing another vehicle, shall use the lane to the immediate left of the right-hand lane for traffic, except when overtaking and passing to the right of another vehicle as permitted under the provisions of this code.

CHAPTER 487

An act to amend Sections 5202 and 7120 of the Education Code, relating to apportionment and disbursement of the State School Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.] In effect immediately

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

SECTION 1. Section 5202 of the Education 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 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, to the county school service fund, and to the county school tuition fund of the county. Warrants for apportionment

(1) Warrants in the months of July, August and September shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September 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 July, 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.

Warrants for the months of December and January, at the discretion of the Controller, may be reduced not to exceed 50 percent and the amount reduced shall be included in the warrants for any later month or months 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 year 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. 2. Section 7120 of said code is amended to read:

Average daily attendance Certification

7120. The Superintendent of Public Instruction shall on or before July 10th of each year, certify to the Controller the total number of units of average daily attendance that is estimated, on the basis of the report of the district or fund for the second previous fiscal year, and the report of the district for growth during the second period of the previous fiscal year, for each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund, 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.

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 effect immediately. The facts constituting such necessity are:

In order that the Superintendent of Public Instruction may make apportionments and the Controller may make payments from the State School Fund as early as July, and in order that the Controller may draw warrants in accordance with the schedule provided herein during the fiscal year beginning July 1, 1957, so that funds will be available to school districts earlier than heretofore to meet their current obligations, it is necessary that this act take effect immediately.

CHAPTER 488

An act to amend Sections 6549 and 6550.5 of the Business and Professions Code, relating to the practice of barbering.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 6549 of the Business and Professions Code is amended to read:

Certificates

6549. Certificates of registered barber or of registered apprentice or of registered instructor shall be issued by the board to any applicant who satisfactorily passes an examination mak-

ing a grade of not less than 75 percent, and who possesses the other qualifications required by law.

A certificate to conduct a barber shop shall be issued to any owner of a barber shop upon receipt by the board of an application accompanied by the required fee.

SEC. 2. Section 6550.5 of said code is amended to read:

6550.5. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following: Requirements

(a) Files an application with the board in such form as it may prescribe, accompanied by the examination fee.

(b) Is of good moral character.

(c) Is a registered barber in this State and has had at least two years' experience as a registered barber in this State or another state or country.

(d) Successfully passes a written and oral examination on the theory of barbering.

(e) Has paid the certificate fee required by this chapter.

CHAPTER 489

An act to amend Sections 161, 5251, and 5258 of the Welfare and Institutions Code, relating to eligibility for admittance into mental institutions.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957]

In effect September 11, 1957

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

SECTION 1. Section 161 of the Welfare and Institutions Code is amended to read:

161. In determining residence for purposes of being entitled to hospitalization in this State and for purposes of returning patients to the states of their residence, a person who has lived continuously in this State for a period of one year and who has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this State shall be deemed to be a resident of this State. Time spent in a public institution for the care of the mentally ill or mental defectives or on parole or leave of absence therefrom shall not be counted in determining the matter of residence in this or another state. Residence re hospitalization

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

SEC. 2. Section 5251 of said code is amended to read:

5251. Any feeble-minded person or epileptic who is not insane may be committed to the Department of Mental Hygiene for placement in a designated state home for the Residence re feeble-minded or epileptic

feeble-minded if he has been a resident of the State for the period of one year next preceding the presentation of the petition, or, in the case of a person under the age of one year who was born in the State, if the parent in whose custody he is has been a resident of the State for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

SEC. 3. Section 5258 of said code is amended to read:

Court commitment

5258. If the court finds that the person is an epileptic or feeble-minded person, and that he has been a resident of the State for one year next preceding the presentation of the petition, or, if the person is under the age of one year, that he was born in the State and that the parent in whose custody he is has been a resident of the State for the period of one year next preceding the presentation of the petition, or, if the person is the child of a person in military service as provided in Section 5251, the court may make an order that the person be committed to the Department of Mental Hygiene for placement in the Sonoma State Home or to the Pacific Colony and that he be received, maintained, and educated therein. The court, however, may commit an epileptic or feeble-minded person who has been in the State less than one year for the purpose of transportation of such person to the state of his legal residence pursuant to Section 160 On the presentation of the order the superintendent of the institution to which the person is committed shall receive him therein, unless the institution is already full, or the fund available for its support is exhausted, or, in the opinion of the Department of Mental Hygiene, the epileptic or feeble-minded person is not a suitable subject for admission thereto.

CHAPTER 490

An act to amend Sections 201.5 and 661 of the Probate Code and Section 13555 of the Revenue and Taxation Code, and to add Sections 201.6, 201.7, and 201.8 to the Probate Code and Sections 13552.5, 13554.5, and 13556.5 to the Revenue and Taxation Code, relating to the right of a surviving spouse in noncommunity property.

In effect September 11, 1957

[Approved by Governor May 21, 1957 Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 201.5 of the Probate Code is amended to read:

Property disposition

201.5. Upon the death of any married person domiciled in this State one-half of the following property in his estate shall belong to the surviving spouse and the other one-half of such property is subject to the testamentary disposition of the decedent, and in the absence thereof goes to the surviving spouse: all personal property wherever situated and all real property situated in this State heretofore or hereafter (a) acquired by the decedent while domiciled elsewhere which would have been the community property of the decedent and the surviving spouse had the decedent been domiciled in this State at the time of its acquisition or (b) acquired in exchange for real or personal property wherever situated and so acquired. All such property is subject to the debts of the decedent and to administration and disposal under the provisions of Division 3 of this code As used in this section personal property does not include and real property does include leasehold interests in real property.

SEC. 2. Section 201.6 is added to said code, to read:

Foreign domiciliary

201.6. Upon the death of any married person not domiciled in this State who leaves a valid will disposing of real property in this State which is not the community property of the decedent and the surviving spouse, the surviving spouse has the same right to elect to take a portion of or interest in such property against the will of the decedent as though the property were situated in the decedent's domicile at death. As used in this section real property includes leasehold interests in real property.

SEC. 3. Section 201.7 is added to said code, to read:

Election Surviving spouse

201.7. Whenever a decedent has made provision by a valid will for the surviving spouse and the spouse also has a right under Section 201.5 of this code to take property of the decedent against the will, the surviving spouse shall be required to elect whether to take under the will or to take against the will unless it appears by the will that the testator intended that the surviving spouse might take both under the will and against it.

SEC. 4. Section 201.8 is added to said code, to read:

Transfer Valuable consideration

201.8. Whenever any married person dies domiciled in this State who has made a transfer to a person other than the surviving spouse, without receiving in exchange a consideration of substantial value, of property in which the surviving spouse had an expectancy under Section 201.5 of this code at the time of such transfer, the surviving spouse may require the transferee to restore to the decedent's estate one-half of such property, its value, or its proceeds, if the decedent had a substantial quantum of ownership or control of the property at death. If the decedent has provided for the surviving spouse by will, however, the spouse cannot require such restoration unless the spouse has made an irrevocable election to take against the will under Section 201.5 of this code rather than to take under the will. All property restored to the decedent's estate hereunder shall go to the surviving spouse pursuant to Section 201.5 of this code as though such transfer had not been made.

SEC. 5. Section 661 of said code is amended to read:

Homestead Court designation

661. If no homestead has been selected, designated and recorded, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court, in the manner hereinafter provided, must select, designate and set apart and cause to be recorded a homestead for the use of the surviving spouse and the minor children, or, if there be no surviving spouse, then for the use of the minor child or children, out of the community property or property to which Section 201.5 of this code is applicable or out of real property owned in common by the decedent and the person or persons entitled to have the homestead set apart, or if there be no community property or property to which Section 201.5 of this code is applicable and no such property owned in common, then out of the separate property of the decedent. If the property set apart is the separate property of the decedent, other than property to which Section 201.5 of this code is applicable, the court can set it apart only for a limited period, to be designated in the order, and in no case beyond the lifetime of the surviving spouse, or, as to a child, beyond its minority; and, subject to such homestead right, the property remains subject to administration.

Application re inheritance tax

SEC. 6. Section 13555 of the Revenue and Taxation Code is amended to read:

13555. Upon the death of any married person:

(a) At least one-half of any property in the decedent's estate to which Section 201.5 of the Probate Code is applicable, except property restored to the estate under Section 201.8 of the Probate Code, is subject to this part.

(b) The one-half of any property which, under Section 201 5 of the Probate Code, belongs to the surviving spouse whether or not the decedent attempted to dispose of it otherwise by will, and all of any property restored to the decedent's estate under Section 201 8 of the Probate Code are not subject to this part.

(c) All of any property in the decedent's estate to which Section 201.5 of the Probate Code is applicable passing to anyone other than the surviving spouse is subject to this part.

SEC. 7. Section 13552.5 is added to said code, to read:

Election by surviving spouse

13552.5. Whenever a married person dies having provided by will for his surviving spouse and having also made a testamentary disposition of any property to which Section 201.5 of the Probate Code is applicable or having made an inter vivos transfer to which Section 201.8 of the Probate Code is applicable, and the surviving spouse is required to elect whether to share in the estate under the will or to take a share of the decedent's property under Section 201.5 of the Probate Code, and the spouse elects to take under the will, the property thus taken up to a value not exceeding one-half of the value of any property to which Section 201.5 of the Probate Code is applicable and the full value of any property

which the surviving spouse might have required to be restored to the decedent's estate under Section 201.8 of the Probate Code is not subject to this part.

SEC. 8. Section 13554.5 is added to said code, to read:

13554.5. Where property to which Section 201.5 of the Probate Code is or would have been applicable is transferred from one spouse to the other within the provisions of Chapter 4 of this part other than by will or the laws of succession, the property transferred is subject to this part up to a value not exceeding one-half of the clear market value thereof. Transfer by other than will or succession

SEC. 9. Section 13556.5 is added to said code, to read:

13556.5. As against any claim made by the State for the tax imposed by this part, there is no presumption that property acquired by a spouse after marriage is property to which Section 201.5 of the Probate Code is applicable. Any person who claims that any property acquired after marriage is property to which Section 201 5 of the Probate Code is applicable has the burden of proving that it is such. Presumption

---

CHAPTER 491

An act to amend the heading of Article 12 of Chapter 11 of Division 2 of; to amend Sections 3721 and 3722 of; to amend and renumber Section 3725 of; to repeal Sections 3723, 3724, 3726, 3727, 3728, and 3729 of; and to add Sections 3723, 3724, 3725, and 3727 to, the Education Code, relating to the annexation of high school districts.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. The heading of Article 12 of Chapter 11 of Division 2 of the Education Code is amended to read:

Article 12. Annexation of a High School District to Another High School District

SEC. 2. Section 3721 of said code is amended to read:

3721. A high school district, hereinafter in this article called the petitioning district, of any kind or class may be annexed to another contiguous high school district of any kind or class, hereinafter in this article called the admitting district, as provided in this article, upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district. Annexation to contiguous district

SEC. 3. Section 3722 of said code is amended to read:

3722. A majority of the registered electors residing in any high school district may present to the superintendent of schools of the county a petition asking for the annexation of Petition re annexation

the high school district to a contiguous high school district. The petition shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district, consenting and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

Repeals

SEC. 4. Sections 3723, 3724, 3726, 3727, 3728, and 3729 of said code are repealed.

SEC. 5. Section 3723 is added to said code, to read:

Duplicate petitions

3723. If the petitioning school district and the admitting district are not wholly situated in the same county, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of either of the districts is situated.

SEC. 6. Section 3724 is added to said code, to read:

Election in district

3724. Upon presentation of the petition, the county superintendent or superintendents of schools, as the case may be, shall, after verifying the signatures and finding them sufficient, within 20 days, call an election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in each component elementary school district of the petitioning district to conduct the election.

SEC. 7. Section 3725 is added to said code, to read:

Election procedure

3725. The election shall be called and conducted in all respects as specified in Article 1 (commencing at Section 2802) of Chapter 9 of this division, except that the form of ballot shall be: "For annexation to the _____ High School District—Yes" and "For annexation to the _____ High School District—No" or words of similar import. If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

SEC. 8. Section 3725 of said code is amended and renumbered to read:

Bonded indebtedness and transfer of funds, etc

3726. Whenever a district is annexed to another district, pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district. The bonded indebtedness of any district incurred prior to the annexation shall remain the sole obligation of the territory of the district as it existed prior to the annexation

SEC. 9. Section 3727 is added to said code, to read:

Governing board Annexed district

3727. Upon the effective date of the annexation of the district, for all purposes, to another district the governing board of the district annexed ceases to exist.

CHAPTER 492

An act to amend Section 1858.56 of the Civil Code, relating to liens of warehousemen.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1858.56 of the Civil Code is amended to read:

1858.56. A warehouseman's lien for a claim which has become due may be satisfied as follows: Warehouseman's lien

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before the day mentioned, not less than 10 days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published pursuant to Section 6066 of the Government Code in the place where such sale is to be held. The sale shall not be held less than 15 days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least 10 days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, adver-

tisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this article, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

CHAPTER 493

An act to add Section 7362.1 to the Business and Professions Code, relating to permanent wavers.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 7362.1 is added to the Business and Professions Code, to read:

7362.1. The classification of permanent waver is hereby abolished and any person holding a certificate of registration and license as a permanent waver shall be issued, by the board, a certificate of registration and license, entitling such person to practice as a hairdresser and cosmetician or cosmetologist and designating such person a hairdresser and cosmetician.

CHAPTER 494

An act to amend Section 436 of the Education Code, relating to the Siskiyou County Superintendent of Schools.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 436 of the Education Code is amended to read:

436. The annual salary of the county superintendent of schools of a county of the thirty-sixth 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 495

An act to amend Section 10202.8 of the Insurance Code, relating to insurance.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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 policy

10202.8. A group life policy conforming to all 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:

(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.

(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.

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.

(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 fifty thousand dollars ($50,000).

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 496

An act to amend Sections 543 and 690.26 of the Code of Civil Procedure, relating to exemptions from attachment or execution proceedings.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 543 of the Code of Civil Procedure is amended to read:

Credits Attachment

543. Upon receiving information in writing from the plaintiff or his attorney, that any person has in his possession, or under his control, any credits or other personal property belonging to the defendant, or owes any debt to the defendant, the sheriff, constable, or marshal must serve upon such person

a copy of the writ, and a notice that such credits, or other property or debts, as the case may be, are attached in pursuance of such writ, except that, one-half of the earnings of the defendant or judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of attachment are exempt from such levy.

SEC. 2. Section 690.26 of said code is amended to read:

Exemption from attachment or execution

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 counteraffidavit and any notice of the motion herein provided.

(2) 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 counteraffidavit within five days after service of such writing.

(3) If the creditor desires to contest the claim to exemption, he shall within such period of five days, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.1, 690.3, 690.6, 690.8, 690.9, 690.12, 690.17, 690.18, 690.21, 690.24, alleging 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 counteraffidavit upon the debtor.

(4) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(5) If such counteraffidavit, 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 counteraffidavit 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.

(6) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor.

(7) 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.

(8) 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.

(9) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits 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 counteraffidavit 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 counteraffidavit 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 counteraffidavits. 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.

(10) 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; provided, however, that if a claim to exemption under Section 690.11 be allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(11) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(12) 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.

(13) 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 497

An act to amend Section 410 of the Code of Civil Procedure, relating to the service and return of summons.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 410 of the Code of Civil Procedure is amended to read:

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found, or any other person over the age of 18, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the summons is served by the sheriff, a constable or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to plaintiff if he is acting as his own attorney, otherwise to plaintiff's attorney. When it is served by any other person, it must be returned to the same place,

with the affidavit of such person of its service, and of the service of a copy of the complaint.

If the summons is lost subsequent to service and before it is returned, an affidavit of the official or other person making service, showing the facts of service of the summons, may be returned in lieu of the summons and with the same effect as if the summons were itself returned.

CHAPTER 498

An act to add Sections 12002.1, 12200.5, 12313.5, 12314, 12315, 12316, 12317, 12318, 12319, 12320, 12321, 12322, 12323, 12324, 12325, 12326, 12327, 12328, 12329, 12330, and 12331 to, and amend Sections 12100 and 12200 of, the Financial Code, and to add Section 6907.5 to the Business and Professions Code, relating to licensees under the Check Sellers and Cashers Law.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 12002.1 is added to the Financial Code, to read:

Definitions

12002.1. A prorater is a person who, for compensation from a debtor, engages in whole or in part in the business of receiving money or evidences thereof for the purpose of distributing the money or evidences thereof among creditors in payment or partial payment of obligations of the debtor.

A business agent, for the purpose of this division is a person who engages in business as a prorater as an incident to the business of advising, counseling, or directing persons in their investments, and in the organization and management of their affairs under an exclusive contract, the primary purpose of which is not the liquidation of existing indebtedness.

SEC. 2. Section 12100 of said code is amended to read:

Exceptions

12100. The provisions of this division do not apply to any of the following:

(a) Persons or their authorized agents doing business under license and authority of the Superintendent of Banks of the State of California, or under any law of this State or of the United States relating to banks, trust companies, building or savings and loan associations, industrial loan companies, personal property brokers, credit unions, title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code), escrow agents subject to Division 6 of the Financial Code, or California small loan companies.

(b) Persons or their authorized agents engaged in the business of paying to others bills, invoices, or accounts of an obligor, or of selling or cashing checks, including travelers' checks, drafts, or money orders issued by a person who has

been licensed under and complied with, and continues to be licensed under and complies with, Article 3 of Chapter 14 of Division 1 of this code.

(c) The services of a person licensed to practice law in this State, when such person renders services in the course of his practice as an attorney at law, and the fees and disbursements of such person whether paid by the debtor 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 prorater, check seller or casher.

(d) Any transaction in which money or other property is paid to a "joint control agent" for dispersal or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in construction of improvements upon real property.

(e) A merchant-owned credit or creditors association, or a member-owned or member-controlled or -directed association whose principal function is that of servicing the community as a reporting agency.

(f) Any person licensed under Chapter 1 of Part 6, Division 2 of the Labor Code, when acting in any capacity for which he is licensed under such part.

(g) Any person licensed under Part 1, Division 4, of the Business and Professions Code, when acting in any capacity for which he is licensed under that part.

(h) A common law or statutory assignment for the benefit of creditors or the operation or liquidation of property or a business enterprise under supervision of a creditor's committee.

SEC. 3. Section 12200 of said code is amended to read:

12200. No person shall engage in the business, for compensation, of selling or cashing checks, drafts, money orders, or other commercial paper serving the same purpose, or of receiving money as agent of an obligor for the purpose of paying bills, invoices, or accounts of such obligor, or acting as a prorater, without first obtaining a license from the commissioner. License

SEC. 4. Section 12200.5 is added to said code, to read:

12200.5. The commissioner shall classify and license applicants for a proraters license in accordance with the nature of their existing or proposed business and the extent of regulation required thereby in the public interest as follows: Classification

(a) A special proraters license shall be issued to a qualified applicant to engage in business as a business agent.

(b) A general proraters license shall be issued to all other qualified applicants.

Whenever the term "prorater" is used in this division with reference to a licensee it shall be deemed to mean a general prorater unless otherwise provided.

SEC. 5. Section 12313.5 is added to said code, to read:

Limitation Client's records

12313.5. Nothing in this chapter shall be construed as authorizing the examination, inspection or auditing of the books and records of any client of a business agent while such books and records are in the possession of the business agent without the express consent of the client.

SEC. 6. Section 12314 is added to said code, to read:

Total charges

12314. The total charges received by a prorater, or any other person for the prorater's services, may not exceed in the aggregate twelve percent (12%) for the first three thousand dollars ($3,000), eleven percent (11%) for the next two thousand dollars ($2,000), and ten percent (10%) for any of the remaining payments distributed by a prorater to the creditors of a debtor unless the debtor cancels or defaults on the performance of his contract with the prorater in which event the prorater may collect in addition seven percent (7%) of the remaining indebtedness listed on said contract. In relation to obligations included in the prorate contract which are secured by a mortgage or trust deed on real property, fees may be collected only as to payments made by the prorater to the creditor on the installments of such obligation coming due within the period of the prorate contract, but not exceeding in any event a period of 24 months. At least once each month the prorater shall pay not less than sixty percent (60%) of each payment received from the debtor during the preceding month to the creditors of the debtor. In the event of cancellation or default on performance of the contract by the debtor, the prorater must distribute to the creditors of the debtor at least 88 percent of any funds of the debtor in the hands of the prorater.

SEC. 7. Section 12315 is added to said code, to read:

Fee

12315. A prorater shall not receive any fee unless he has the consent of at least 51 percent of the total amount of indebtedness and of the number of creditors listed in the prorater's contract with the debtor, or such like number of creditors have accepted a distribution of payment.

SEC. 8. Section 12316 is added to said code, to read:

Excess charge

12316. If a prorater contracts for, receives or makes any charge in excess of the maximum permitted by this division, except as the result of an accidental and bona fide error, the prorater's contract with the debtor shall be void and the prorater shall return to the debtor all charges received from the debtor.

SEC. 9. Section 12317 is added to said code, to read:

Purchase

12317. A prorater shall not purchase from a creditor any obligation of a debtor.

SEC. 10. Section 12318 is added to said code, to read:

Prohibitions

12318. A prorater shall not take:

(a) Any contract, promise to pay, or other instrument which has any blank spaces when signed by a debtor;

(b) Any negotiable instrument for the prorater's charges;

(c) Any note, wage assignment, real estate or chattel mortgage, or other security to secure the prorater's charges;

(d) Any confession of judgment or power of attorney to confess judgment against the debtor or to appear for the debtor in a judicial proceeding.

(e) Concurrent with the signing of the contract or as part of the contract or as part of the application for the contract a release of any obligation to be performed on the part of the prorater.

SEC. 11. Section 12319 is added to said code, to read:

Requirements of contract

12319. Every contract between a prorater and a debtor shall:

(a) List every debt to be prorated with the creditor's name and disclose the total of all such debts;

(b) Provide payments reasonably within the ability of the debtor to pay in precise terms;

(c) Disclose in precise terms the rate and amount of the prorater's charge;

(d) Disclose the approximate number and amount of installments required to pay the debts in full;

(e) Disclose the name and address of the prorater and of the debtor;

(f) Contain such other provision or disclosures as the commissioner shall determine is necessary for the protection of the debtor and the proper conduct of business by a prorater.

SEC. 12. Section 12320 is added to said code, to read:

Delivery and payment

12320. A prorater shall deliver a copy of any contract or agreement between the prorater and a debtor to the debtor immediately after the debtor executes it, and the debtor's copy shall be executed by the prorater. A contract shall not be effective until a debtor has made a payment to the prorater for distribution to his creditors.

SEC. 13. Section 12321 is added to said code, to read:

Receipt

12321. Unless paid by check or money order a prorater shall deliver a receipt to a debtor for each payment within five (5) days after receipt of a payment.

SEC. 14. Section 12322 is added to said code, to read:

Accounting

12322. At least once in each six (6) months, the prorater shall render an accounting to the debtor which shall itemize the total amount received from the debtor, the total amount paid to each creditor, the total amount which any creditor has agreed to accept as payment in full on any debt owed him by the debtor, the amount of charges deducted, and any amount held in reserve. A prorater shall in addition render such an account to a debtor within seven days after written demand.

SEC. 15. Section 12323 is added to said code, to read:

Lending

12323. A prorater shall not lend money or credit.

SEC. 16. Section 12324 is added to said code, to read:

Prohibitions

12324. A prorater shall not:

(a) Offer, pay, or give any cash, fee, gift, bonus, premium, reward, or other compensation to any person for referring any prospective customer to the prorater;

(b) Receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the debtor in connection with his activities as a prorater.

SEC. 17. Section 12325 is added to said code, to read:

12325. A prorater shall not solicit or require a debtor to purchase or agree to purchase any policy of insurance.

SEC. 18. Section 12326 is added to said code, to read:

12326. A special prorater shall not advertise in any manner or otherwise hold himself out to the public as a general prorater or as qualified to do business as a general prorater unless he holds a valid unrevoked general proraters license.

SEC. 19. Section 12327 is added to said code, to read:

Limitation

12327. Nothing in this division shall be deemed to authorize the performance, directly or indirectly, of an act or acts constituting the practice of law by a prorater, business agent, check seller or casher, or by any person, firm, corporation or organization described, or engaging in a transaction specified in subdivision (a), (b), (d), (e), (f), (g), or (h) of Section 12100.

Without limiting the generality of the foregoing and other applicable laws, the following act or acts, when done by the owner, manager or employee of a prorater, in connection with a prorating transaction, shall be deemed to constitute the unlawful practice of law:

(a) Preparation, advising or signing of a release of attachment or garnishment, stipulation, affidavit for exemption, compromise agreement or other legal or court document;

(b) The furnishing of legal advice or performance of legal services of any kind.

No prorater (including an owner, manager or employee of a prorater) shall (1) represent that he is authorized or competent to furnish legal advice or perform legal services; (2) assume authority on behalf of creditors or a debtor or accept a power of attorney authorizing it to employ or terminate the services of an attorney or to arrange the terms of or compensate for such services; (3) communicate with the debtor or creditor or any other person in the name of an attorney or upon the stationery of an attorney or prepare any form or instrument which only attorneys are authorized to prepare.

SEC. 20. Section 12328 is added to said code, to read:

Collection agency

12328 (a) No collection agency may be maintained in the same premises as a prorating organization unless such prorating organization is exempt under the provisions of this division.

(b) No prorater's license shall be issued to a collection agency.

SEC. 21. Section 12329 is added to said code, to read:

Disclosure of creditors

12329. It shall be unlawful for any prorater to disclose the list of creditors of a debtor to any individual or firm for the purpose of soliciting the accounts and such disclosure shall be ground for revocation of license.

SEC. 22. Section 12330 is added to said code, to read:

12330. The commissioner shall have power and authority to promulgate rules and regulations governing the form and wording of advertising to be used by proraters. The issuance, distribution or placement of any advertising by a prorater which is in conflict with such rules and regulations shall be ground for the revocation of its license. Advertising

SEC. 23. Section 12331 is added to said code, to read:

12331. No license shall be granted to a prorater or continued in effect as such unless the principal managing officer thereof is at least 21 years of age, a citizen of the United States, a bona fide resident of this State for at least two years immediately preceding his application for a license, and shall have had at least two years' experience in consumer credit extension or credit collection activity. The commissioner shall have power and authority to refuse the granting of a license for good cause shown. License

SEC. 24. Section 6907.5 is added to the Business and Professions Code, to read:

6907.5 No license shall be issued to a person licensed as a prorater under the provisions of Division 3 of the Financial Code. Proraters

---

CHAPTER 499

An act to amend Section 476 of the Vehicle Code, relating to traffic signals.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 476 of the Vehicle Code is amended to read:

476. Official Traffic Signals. Whenever traffic is controlled by official traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively, one at a time, or with arrows, the following colors only shall be used, and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows: Official traffic signals

(a) Green alone or "go."

1. Vehicular traffic facing the signal shall proceed straight through or may turn right or left. Such traffic may make a semicircular or U-turn only where such turn is permitted by signs erected at such location. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow or "caution" when shown following the green or "go" signals.

1. Vehicular traffic facing the signal is thereby warned that the red or stop signal will be exhibited immediately thereafter and vehicular traffic will be required to stop when the red or stop signal is exhibited.

2. No pedestrian shall enter the roadway or cross any part of a roadway or from or to a safety zone against a yellow or "caution" signal.

(c) Red alone or "stop."

1. Vehicular traffic facing the signal shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone, except as provided in the next succeeding paragraphs.

2. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or "stop" signal, may make a right turn but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such right turn against a red or "stop" signal at any intersection, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

3. The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red or "stop" signal but may then make a left turn into said one-way street, but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that local authorities may by ordinance prohibit any such left turn as above described, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

4. No pedestrian shall enter the roadway or cross any part of the roadway or proceed from or to a safety zone against a red or "stop" signal.

(d) Red with green arrow and green with red arrow.

1. Red With Green Arrow. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by the green arrow but shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green arrow is exhibited.

2. Green With Red Arrow Prohibited. It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously.

(e) The motorman of any streetcar shall obey all official traffic signals as applicable to vehicles except that the motor-

man of a streetcar shall not make a right or left turn when facing a red alone or stop signal.

(f) No person shall disobey the directions of this section except when it is necessary for the purpose of avoiding a collision or in case of other emergency or when otherwise directed by a police or traffic officer, or as permitted under Section 454.

(g) The above provisions in reference to pedestrians shall be inapplicable in the event pedestrian control signals are in operation as provided in Section 476.1.

CHAPTER 500

An act to add Section 189 to the Vehicle Code, relating to repossession of vehicles.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 189 is added to the Vehicle Code, to read:

189. Notification of Repossession. Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a mortgage, conditional sale or lease agreement, the person taking possession shall, within 24 hours thereafter, notify the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred, if outside an incorporated city.

CHAPTER 501

An act to amend Section 24254 of the Health and Safety Code, relating to air pollution control.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 24254 of the Health and Safety Code is amended to read:

24254. As used in this chapter, "person" also means any state or local governmental agency or public district, or any officer or employee thereof; provided, however, that no state or local governmental agency, or public district, 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, or public district, in the performance of its functions or by such officers or employees in the per-

formance 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 provision of this chapter or of any order, rule, or regulation of the air pollution control board by any governmental agency, or public district, 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 502

An act to amend Section 13989 and the heading of Chapter 7, Part 8 of Division 2 of, and to repeal Article 2 of Chapter 5, Part 8 of Division 2 of, and to add an article heading and Article 2, consisting of Section 14071, to Chapter 7, Part 8 of Division 2 of, the Revenue and Taxation Code, relating to inheritance taxes.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 13989 of the Revenue and Taxation Code is amended to read:

Deduction

13989. Any amount due or paid the Government of the United States as a federal inheritance or estate tax in the estate of any decedent is deductible from the appraised value of property included in any transfer subject to this part made by the decedent. The amount deductible is limited to an amount computed by the inheritance tax appraiser upon an application of the federal inheritance or estate tax exemptions and rates (commencing at the primary rates) in force at the date of decedent's death to that portion of the decedent's property the transfer of which is subject to the tax imposed by this part, and upon his own valuation of that portion. However, the exemption provided for in Section 13805 shall be treated as an exclusion from the estate of the decedent for the purposes of this section.

If, after the amount due the Government of the United States as a federal estate tax has been finally determined, it is found that the amount allowed hereunder as a federal estate tax deduction is erroneous, any order fixing inheritance tax based upon such erroneous deduction may, upon petition, be amended to fix the true amount of inheritance tax due based upon allowance of the correct federal estate tax deduction computed in accordance with the foregoing paragraph.

The petition for amendment shall be made by any person liable for the inheritance tax within one year after the amount of federal estate tax due the Government of the United States has been finally determined, or by the Controller within one year after he has received actual notice of the amount of federal estate tax so finally determined.

The court which made the original order fixing inheritance tax shall retain jurisdiction to make the amended order herein referred to, but no executor, administrator or trustee shall be liable for any inheritance tax deficiency resulting from such amended order if, before its entry, he has distributed the assets chargeable with payment of such deficiency.

This section shall authorize amendment of the order fixing inheritance tax only insofar as the amount of tax may be affected by the amount of the federal estate tax deduction. If such amended order results in a higher tax, it shall not subject any property to a lien as against a good faith purchaser or encumbrancer of said property.

SEC. 2. The heading of Chapter 7, Part 8 of Division 2, of said code is amended to read:

CHAPTER 7. GIFT TAX AND PREVIOUSLY TAXED PROPERTY CREDIT

SEC. 3. An article heading is added to Chapter 7, Part 8 of Division 2, of said code, immediately preceding Section 14051, to read:

Article 1. Gift Tax Credit

SEC. 4. Article 2, consisting of Section 14071, is added to Chapter 7, Part 8 of Division 2, of said code, to read:

Article 2. Previously Taxed Property Credit

Credit

14071. There shall be allowed to each Class A transferee an inheritance tax credit where a tax has been paid on a prior transfer from a prior decedent to a present decedent under the following conditions and limitations:

(a) (1) The present decedent must have been a Class A transferee of the prior decedent;

(2) The present decedent must have died within five years from the date of death of the prior decedent;

(3) That no tax was levied against either estate under Section 13441 or 13442.

(b) The amount of the tax credit allowed a Class A transferee is a fraction of the inheritance tax charged to the present decedent in the estate of the prior decedent.

The numerator of this fraction is the clear market value of all transfers subject to tax under this part which the Class A transferee receives from the present decedent.

The denominator of this fraction is the clear market value of all transfers subject to tax under this part made by the present decedent.

(c) For the purposes of this section "property subject to tax under this part" includes the value of property exempted under Articles 1, 3, 5, and 6 of Chapter 5 of this part, and Sections 13694, 13695, 13696 and 13697 of this code.

Repeal

SEC. 5. Article 2 of Chapter 5, Part 8 of Division 2, consisting of Sections 13821, 13822, 13823 and 13824 of said code is hereby repealed.

CHAPTER 503

An act to amend Section 541 of the Agricultural Code, relating to dairy farms.

In effect September 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 541 of the Agricultural Code is amended to read:

541. For any violation of the provisions of this article a dairy farm shall be degraded or the milk or cream therefrom excluded from the market; provided, no dairy farm shall be degraded or the milk or cream therefrom excluded from the market for an infraction or infractions of this article, which, upon written notice from a qualified inspector, can be corrected and are corrected within 72 hours of the issuance of said notice. Said notice shall be served personally on the owner or operator of the dairy farm and a copy thereof immediately delivered or mailed to the distributors purchasing the milk or cream produced on said dairy farm.

CHAPTER 504

An act to amend Section 69894 of the Government Code, relating to superior courts.

In effect September 11, 1957

[Approved by Governor May 21, 1957 Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 69894 of the Government Code is amended to read:

Secretary: Salary

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:

	1st step	2d step	3d step
Secretary	$1,048	$1,107	$1,170

Assistants Salaries

In such county, on authorization of the judges the secretary shall have the following employees, whose monthly salaries shall be:

	1st step	2d step	3d step
(a) One chief assistant secretary	$677	$715	$755
(b) Two assistant secretaries and administrative jury commissioners	575	608	641
(c) One assistant secretary	575	608	641
(d) One chief assistant jury commissioner	608	641	677

One year after the effective date of the amendment to this section enacted by the Legislature at the 1957 Regular Session, salaries for the following positions referred to in this section shall become: Increases

	1st step	2d step	3d step
(1) Chief assistant secretary	$715	$755	$797
(2) Assistant secretaries and administrative jury commissioners	608	641	677
(3) Assistant secretary	608	641	677
(4) Chief assistant jury commissioner	641	677	715

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. Expenses

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 of the Government Code.

CHAPTER 505

An act to amend Section 69898 of the Government Code, relating to superior court employees in counties of 2,000,000 population or more.

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 69898 of the Government Code is amended to read:

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) Eight probate examiners	$797	$842	$889
(b) One probate investigator	489	516	545
(c) Five senior probate checkers	440	464	489
(d) Four intermediate probate checkers	355	375	395
(e) Three probate checkers	319	337	355

One year after the effective date of the amendment to this section enacted by the Legislature at the 1957 Regular Session, salaries for the following positions referred to in this section shall become:

	1st step	2d step	3d step
(1) Probate examiners	$842	$889	$940
(2) Probate investigator	516	545	575
(3) Senior probate checkers	464	489	516
(4) Intermediate probate checkers	375	395	417
(5) Probate checkers	337	355	375

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 506

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 11, 1957

[Approved by Governor May 21, 1957. Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 69899 of the Government Code is amended to read:

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:

	1st step	2d step	3d step
(a) One administrative jury assistant	$516	$545	$575
(b) Three supervising judicial secretaries	440	464	489
(c) One executive secretary to the presiding judge	464	489	516
(d) One administrative assistant	464	489	516
(e) One secretary for the appellate department of the superior court	440	464	489
(f) Thirty-six senior judicial secretaries	417	440	464
(g) Five judicial secretaries	355	375	395
(h) One accounts and supply clerk	375	395	417
(i) One senior property custodian	355	375	395
(j) Six investigators of the domestic relations cases	516	545	575
(k) One chief investigator, domestic relations cases	575	608	641
(l) Four clerks	259	273	288
(m) Two office duplicator operators	288	303	319
(n) Two intermediate clerks	319	337	355

	1st step	2d step	3d step
(o) Fourteen intermediate typist-clerks	$319	$337	$355
(p) One stenographic secretary	355	375	395
(q) Three intermediate stenographers	337	355	375
(r) One assistant accounts and supply clerk	337	355	375
(s) Eight court transcriber-secretaries	375	395	417
(t) One supervising court transcriber-secretary	417	440	464
(u) One court reporter assignment secretary	440	464	489
(v) Two assistant jury supervisors	355	375	395
(w) One jury supervisor	375	395	417
(x) One administrative jury supervisor	395	417	440

(y) Two legal research assistants for the superior court at a flat rate of four hundred seventeen dollars ($417).

(z) Four research assistants for the appellate department of the superior court at a flat rate of four hundred seventeen dollars ($417).

Increases

One year after the effective date of the amendment to this section enacted by the Legislature at the 1957 Regular Session, salaries for the following positions referred to in this section shall become:

	1st step	2d step	3d step
(1) Administrative jury assistant	$545	$575	$608
(2) Supervising judicial secretaries	464	489	516
(3) Executive secretary to the presiding judge	489	516	545
(4) Administrative assistant	489	516	545
(5) Secretary for the appellate department of the superior court	464	489	516
(6) Senior judicial secretaries	440	464	489
(7) Judicial secretaries	375	395	417
(8) Accounts and supply clerk	395	417	440
(9) Senior property custodian	375	395	417
(10) Investigators of the domestic relations cases	545	575	608
(11) Chief investigator, domestic relations cases	608	641	677
(12) Clerks	273	288	303
(13) Office duplicator operators	303	319	337
(14) Intermediate clerks	337	355	375
(15) Intermediate typist-clerks	337	355	375
(16) Stenographic secretary	375	395	417
(17) Intermediate stenographers	355	375	395
(18) Assistant accounts and supply clerk	355	375	395
(19) Court transcriber-secretaries	395	417	440
(20) Supervising court transcriber-secretary	440	464	489

	1st step	2d step	3d step
(21) Court reporter assignment secretary	$464	$489	$516
(22) Assistant jury supervisors	375	395	417
(23) Jury supervisor	395	417	440
(24) Administrative jury supervisor	417	440	464

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 507

An act to add Section 702 to the Military and Veterans Code, relating to expenses of the Department of Veterans Affairs.

In effect September 11, 1957

[Approved by Governor May 21, 1957 Filed with Secretary of State, May 21, 1957.]

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

SECTION 1. Section 702 is added to the Military and Veterans Code, to read:

702. The salaries and expenses of the California Veterans Board, of the secretary of such board, and of the director and deputy director of the Department of Veterans Affairs shall be paid out of the Farm and Home Building Fund of 1943 and no part thereof shall be paid from the General Fund.

CHAPTER 508

An act to add Section 7711.7 to the Education Code, relating to apportionments to school districts from the School Building Aid Fund declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 7711.7 is added to the Education Code, to read:

7711.7. Notwithstanding any other provision of this chapter, the governing board of any unified school district which has called an election in the district pursuant to Section 5050 of this code in which the electors of the district, at an election held and conducted between November 1, 1956 and November 30, 1956, authorized the governing board of the district to accept and expend an apportionment from the State under and subject to the provisions of Chapter 1.6 of this division, may make application for an apportionment under the provisions of this chapter.

The board may consider and act upon any application for an apportionment made pursuant to this section and all the provisions of this chapter shall apply to such application and any apportionment made pursuant thereto, except that the governing board of the applicant school district shall not be required to call an election in the manner prescribed in the second paragraph of Section 7719, nor shall it be necessary, as a condition to any apportionment made by the board to such applicant school district becoming final, that the qualified electors of the district authorize the governing board of the district to accept, expend and repay an apportionment under the provisions of this chapter.

Any apportionment made by the board to an applicant school district under this section shall become final upon receipt by the board of the certificate of the county superintendent of schools having jurisdiction over the district stating that bonds of the applicant school district in the amount prescribed by the board have been authorized, issued and sold and that the proceeds thereof have been made available for the purposes of the application. One copy of the certificate shall be sent to the State Controller by the county superintendent of schools on the date of sending the certificate to the board.

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 19 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 509

An act to add Section 829.31 to the Agricultural Code, relating to cantaloupes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957] In effect immediately

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

SECTION 1. Section 829.31 is added to the Agricultural Code, to read:

829.31. A modified jumbo cantaloupe crate numbered 40A is established with the dimensions of 13″ x 13″ x 21⅝″, and a standard pack count of 18, 23, 27, 36, 41, or 45 is established for such crate.

This section shall be effective until July 15, 1957, after which date it shall have no force or effect.

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:

In order to permit exhaustion of supplies of shook on hand suitable for crates of this dimension and thus avoid unnecessary hardship and expense to cantaloupe producers, it is necessary that this act go into immediate effect.

CHAPTER 510

An act to add Sections 10159.5 and 10282.5 to the Business and Professions Code, relating to real estate licensees and business opportunity licensees.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 10159.5 is added to the Business and Professions Code, to read:

Fictitious name

10159.5. Every person applying for a license under this chapter who desires to have such license issued under a fictitious name shall file with his application a certified copy of both the entry of the county clerk and the affidavit of publication made pursuant to the provisions of Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code.

SEC. 2. Section 10282.5 is added to said code, to read:

Same

10282.5. Every person applying for a license under this chapter who desires to have such license issued under a fictitious name shall file with his application a certified copy of both the entry of the county clerk and the affidavit of publication made pursuant to the provisions of Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code.

CHAPTER 511

An act to amend Sections 2184 and 2185 of the Civil Code, relating to the obligation of common carriers to provide vehicles and seats.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 2184 of the Civil Code is amended to read:

Vehicles

2184. A common carrier of persons must provide a sufficient number of vehicles to accommodate all the passengers

who can be reasonably expected to require carriage at any one time. This section shall not apply, however, to any passenger stage corporation or street railroad corporation, as defined in Sections 226 and 232, respectively, of the Public Utilities Code, which is subject to the jurisdiction of the Public Utilities Commission.

SEC. 2. Section 2185 of the Civil Code is amended to read:

2185. A common carrier of persons must provide every passenger with a seat. He must not overload his vehicle by receiving and carrying more passengers than its rated capacity allows. This section shall not apply, however, to any passenger stage corporation or street railroad corporation, as defined in Sections 226 and 232, respectively, of the Public Utilities Code, which is subject to the jurisdiction of the Public Utilities Commission. Seats

CHAPTER 512

An act to amend Section 24406 of the Education Code, relating to community recreation.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.] In effect September 11, 1957

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

SECTION 1. Section 24406 of the Education Code is amended to read:

24406. The board of recreation commissioners shall consist of either five members or seven members, as determined by the governing body or bodies providing for its appointment, who shall serve with or without compensation at the discretion of the governing body. If compensation is authorized by the governing body it shall not exceed ten dollars ($10) per meeting.

CHAPTER 513

An act to repeal Section 6814 of; and to amend Sections 6815, 6816, and 6822 of, the Education Code, relating to days of attendance in elementary and high schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.] In effect immediately

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

SECTION 1. Section 6814 of the Education Code is hereby repealed. Repeal

SEC. 2. Section 6815 of said code is amended to read:

6815. The minimum school day in grades one, two, and three in elementary schools is 200 minutes. Minimum school day Elementary schools

SEC. 3. Section 6816 of said code is amended to read:

6816. The minimum school day in grades four, five, six, seven, and eight in elementary schools and in special day and evening classes of an elementary school district, is 240 minutes.

SEC. 4. Section 6822 of said code is amended to read:

Same: High schools

6822. The minimum school day in any high school, except in an evening high school, a continuation high school, and in continuation education classes, is 240 minutes.

SEC. 5. The provisions of this act shall remain in effect until June 30, 1959.

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:

Under existing law, teachers and employees of school districts are required to maintain attendance records for pupils that require a great amount of teacher and clerical time. Under this complex system, teacher time is taken from professional services that should be rendered by the teacher. In order that teacher time may be freed and be devoted to teaching, beginning with the Fiscal Year July 1, 1957, it is necessary that this act take effect immediately.

CHAPTER 514

An act to add Chapter 1.5 (comprising Section 328) to Division 3 of the Agricultural Code, relating to the sale of livestock.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Chapter 1.5 (comprising Section 328) is added to Division 3 of the Agricultural Code, to read:

CHAPTER 1.5. WARRANTIES

328. In the absence of an express warranty, the mere sale of livestock shall not be construed to imply a warranty of such livestock for any particular purpose.

CHAPTER 515

An act to amend Section 71140 of the Government Code, relating to municipal and justice courts

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 71140 of the Government Code is amended to read:

71140. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be a resident eligible to vote in the judicial district or city and county in which they are elected or appointed for a period of at least 54 days prior to the date of their election or appointment. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. This requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks re-election to such office.

CHAPTER 516

An act to add Section 19175.1 to the Government Code, relating to restoring names to state civil service lists.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 19175.1 is added to the Government Code, to read:

19175.1. The board, upon the written request of a probationer who has been rejected for medical reasons only, may restore the name of the rejected probationer to the employment list from which his name originally was certified if the list is still in existence and the board determines after medical examination that he meets the required medical standards.

CHAPTER 517

An act to amend Sections 980, 984, and 985 of, and to repeal Section 800 of, the Military and Veterans Code, relating to veterans' rights.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980. As used in this chapter, "veteran" means any citizen "Veteran" of the United States who served in the active military, naval, or air service of the United States on or after April 5, 1917,

and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or a bona fide resident of this State or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty.

This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

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

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

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

SEC. 2. Section 984 of said code is amended to read:

Applicability

984. The provisions of this article are applicable, and the benefits conferred thereby are available, to:

(a) Any veteran as defined in Sections 980 and 985;

(b) Any person who is on active duty in the military or naval service of the United States, whose service may or may not have been continuous, and who is in all other respects qualified pursuant to Section 980 or 985.

SEC. 3. Section 985 of said code is amended to read:

Definitions

985. Definitions.

(a) "Board" and "department" means the Department of Veterans Affairs.

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

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

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

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

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

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

(h) As used in this article, "veteran" includes, in addition to the persons described in Section 980, all members of the armed services who were residents of California under the provisions of Section 980.

(i) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

Repeal

SEC. 4. Section 800 of said code is repealed.

CHAPTER 518

An act to create the Contra Costa County Water Agency for the conservation, storage, and distribution of water in the agency, and prescribing its organization, powers, and duties.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

In effect September 11, 1957

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

SECTION 1. There is hereby created a district to be known and designated as the "Contra Costa County Water Agency." The territory of the district shall be all of the territory within the County of Contra Costa, except Coney Island and the lands lying within the exterior boundaries of East Contra Costa Irrigation District, Byron-Bethany Irrigation District, Reclamation District No. 800, Reclamation District No. 802,

and Reclamation District No. 2024 as the same existed on January 1, 1957.

SEC. 2. As used herein, the following words shall have the following respective meanings unless otherwise indicated by their context:

(a) "Agency" means the Contra Costa County Water Agency;

(b) "County" means the County of Contra Costa, State of California;

(c) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Congress of the United States of America;

(d) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Legislature of the State of California;

(e) "Work" or "works" include but are not limited to dams and dam sites, reservoirs and reservoir sites, sinking basins, ground water replenishment facilities, watershed improvement facilities, ditches, laterals, flumes, pipelines, conduits, pumps, pumping plants, filters, wells, and, without limitation, all other facilities useful in the control, conservation, reclamation, diversion and transmission of water, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any municipality, county water district, reclamation district, irrigation district, water replenishment district, water conservation district, flood control district or other district or political subdivision of the State empowered by law to appropriate and to deliver water to water users;

(g) "Elector" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections;

(h) "Board" means the board of directors of the agency;

(i) "President" means the president of the board of directors;

(j) "Secretary" means the secretary of the board of directors;

(k) "Operate" includes use, maintenance and repair;

(*l*) "May" is permissive and "shall" is mandatory.

SEC. 3. The agency is a body politic and corporate and has perpetual succession and may exercise the powers enumerated in this act, those necessarily implied therefrom and such other powers as the law may provide.

SEC. 4. The powers of the agency, except as otherwise herein expressly provided, shall be exercised by the board which is the governing body of the agency. The board of supervisors of the county shall be and hereby is designated as and empowered to act as, ex officio, the board of the agency. The

board may adopt reasonable rules and regulations to facilitate the exercise of its duties and powers set forth herein.

SEC. 5. (a) The chairman of the board of supervisors of the county shall be the chairman of the board of the agency and shall preside at all meetings of the board and in the case of his absence or inability to act, the remaining members of the board present shall select one of their number to act as chairman temporarily.

(b) The county clerk shall be the secretary of the agency. The members shall appoint an attorney and an engineer who are not employees of the county and may appoint such other officers, agents and employees who may be employees of the county as the board in its judgment may deem necessary, prescribe their duties and fix their compensation. All officers, agents or employees of the board or the agency shall hold office at the pleasure of the board.

SEC. 6. Three-fifths ($\frac{3}{5}$) 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 three-fifths ($\frac{3}{5}$) of all members concur therein.

SEC. 7. Each member of the board or the secretary may administer oaths and affirmations in connection with the taking of testimony at any hearing, investigation or other matter pending before the board.

SEC. 8. All ordinances, resolutions, and other legislative acts of the agency, shall be adopted by the board, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county Initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejectment of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 9. The agency has the following powers:

(1) To sue and be sued in the name of the agency in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(2) To adopt a seal and alter it at pleasure.

(3) To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction or otherwise, and to hold, use, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within the agency, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to plan, complete, extend, enlarge, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. The agency shall not interfere with or exercise any control over water rights, property or facilities owned, held or used

by a district unless by consent of such district and upon such terms as are mutually agreed upon between the agency and the district.

(4) To enter into contracts, make leases, borrow money, incur indebtedness and give evidence thereof, and employ labor.

(5) To do all acts and things reasonably implied from, and necessary and appropriate to the full exercise of, all the powers granted by this act.

SEC. 10. The agency has the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14, of the Constitution and Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned water rights or property held or used for the development, storage or distribution of water for public use; provided, however, that the agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal 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 it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in the resolution, is necessary for carrying out the purposes of the agency.

SEC. 11. The agency may do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency, including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and recreational uses. Without limiting the generality of the foregoing or any other section of this act, the agency has the following additional powers:

(1) To make surveys and investigations of the water supply and resources of the agency, to plan water projects and to publish and distribute reports thereof.

(2) To develop, protect, conserve and reclaim water, reduce the waste of water, control and prevent the intrusion of salinity in water, replenish underground water supplies and reclaim flood and storm waters, within the agency.

(3) To store, regulate, control, transport, divert and distribute water for use within the agency by any reasonable means, including, without limitation, the construction and operation of works and the spreading and sinking of water into underground storage basins.

(4) To appropriate water and acquire and protect water rights for any beneficial purpose.

(5) To commence, maintain, appear before, intervene in, defend and compromise, in the name of the agency, and to assume the costs of, any action, hearing or proceeding before any court of the United States or of the State of California, involving or affecting the ownership, use or supply of water, water rights or water service within or without the agency which is or may be used or useful for any purpose within the agency, or involving or affecting the interference or diminution of the natural flow of any river or stream or subterranean water supply, which is or may be used or useful for any purpose within the agency.

(6) To enter into any contract with any person, corporation, utility, district, public corporation, the United States, or the State of California, as the board deems proper or advisable or in the interest of the lands and inhabitants of the agency, to carry out or to execute any of the purposes of this act.

(7) To coordinate existing and planned water service facilities in the agency with the operations of the California Water Plan and Aqueduct System.

(8) To join with one or more persons, corporations, utilities, districts or other public corporations, the United States or the State of California, for the purpose of carrying out any of the powers granted by this act.

SEC. 12. The agency may annually, at the time and in the manner of levying other county taxes, levy an ad valorem tax on all taxable property in the agency for the purpose of paying the costs, expenses and obligations of the agency, including principal and interest on any bonded indebtedness, or to accomplish any of the purposes of the agency or of this act. The aggregate taxes levied under this section for any fiscal year shall not exceed three cents ($0.03) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the principal or interest on any bonded indebtedness of the agency duly authorized by a vote of the electors. These taxes shall be levied and collected with, and not separately from, taxes for county purposes and the revenue derived from these taxes shall be paid into the treasury of the county to the credit of the agency and the board shall have the power to control and order the expenditure thereof. The provisions of the laws of the State of California prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale and the duties of the various county officers

with respect thereof, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 13. The agency may issue warrants, not exceeding in amount the anticipated revenues for the fiscal year in which issued, to pay any of its expenses or meet any of its obligations which shall bear interest, at such rate not in excess of six percent (6%) per annum as shall be determined by the board, from the date of issuance thereof until funds are available to pay the warrants. The county auditor shall draw warrants to pay demands made against the agency when the demands have been approved or authorized by the board.

SEC. 14. The funds of the agency may be invested in the same manner as the general funds of the county may be invested.

SEC. 15. The agency may, when authorized by vote of the electors at a general election or at a special election called for such purpose, issue general obligation or revenue bonds to accomplish any of the purposes of this act, and refund or retire such bonds. The bonds of the agency shall be authorized, issued and sold, public hearing shall be noticed and held, a determination shall be made of whether the whole or part of the county will be benefited by incurring a bonded indebtedness, an election shall be held and bonds shall be authorized, issued and sold all in the same manner as are bonds of County Water Districts under the provisions of Chapter 2 (commencing with Section 31370) of Part 6 of Division 12 of the Water Code and shall conform to the provisions of that chapter insofar as they are applicable and are not in conflict with the provisions of this act. The bonds of the agency shall be free and exempt from all taxation within the State of California and it is hereby declared that the agency is a reclamation and irrigation district within the meaning of Section $1\frac{3}{4}$ of Article XIII and Section 13 of Article XI of the Constitution of the State of California. The bonds of the agency shall be legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts and municipalities in the State of California, such money or funds may be invested in bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, the bonds of the agency may be so used.

SEC. 16. The agency, or the acquisition of any property or the construction of any work thereby, shall not be subject to any of the provisions of the District Investigation Law of

1933, Chapter 2 (commencing at Section 58500) of Division 1 of Title 6 of the Government Code.

SEC. 17. Improvement districts may be formed in the agency and shall be governed in the same manner as improvement districts are formed and are governed in irrigation districts. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the agency as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Assessments in an improvement district in the agency shall be levied, collected and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts. The provisions of the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to the agency. Such acts or any of them may be used in the discretion of the board in the construction of work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

SEC. 18. Without limiting the generality of any provision of this act, the agency may for any of the purposes of the agency, 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 contracting. The approval of any contract providing for repayment of the costs 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 resolution of the board adopted by four-fifths ($\frac{4}{5}$) vote of its members, the board shall determine that all liabilities of the agency can be repaid and liquidated both as to principal and interest from revenues of the agency derived from payments to the agency pursuant to written contracts with individuals, corporations, utilities, districts or other public corporations, 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 sold or furnished to such individuals, corporations, utilities, districts or other public corporations. In the event an election is held to authorize the execution of such a contract with the United States, such election shall, except as otherwise in this act provided, be called, noticed and held in the manner provided in the case of the issuance of agency bonds. All of the electors of the agency shall be entitled to vote at such election. The notice of 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 agency pursuant to the contract. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No," whichever may be applicable. A favorable majority of the votes cast at such election shall be necessary to authorize the execution of the contract.

SEC. 19. The agency may submit any contract or proposed contract to the superior court of the county to determine the validity thereof and the authority of the signatories to execute the same. Such validation proceedings shall be had as in the case of the judicial determination of the validity of irrigation district bonds under Article 2 (commencing with Section 22670), Chapter 4, Part 5, of Division 11 of the Water Code, and with like effect.

SEC. 20. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the same time as in the case of claims against the county.

SEC. 21. The formation of the agency or the enactment of this act shall not impair the vested right of any person, association, corporation or district in or to water or the use thereof.

SEC. 22. No director of the agency 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; provided, that this section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director owns less than one percent (1%) of the stock thereof.

SEC. 23. No director, officer, employee or agent of the agency shall be personally liable for any damage resulting from the operations of the agency or from the negligence or misconduct of any of its directors, officers, employees or agents unless the damage was proximately caused by his own negligence, misconduct or wilful violation of duty. When a director, officer, agent or employee is held liable for any act or omission done or omitted in his official capacity and any judgment is rendered thereon, the agency shall pay the judgment without obligation for repayment by the director, officer, agent or employee. The agency may carry and pay for insurance to cover any liability of the agency, its directors, officers, employees or agents or any of them.

SEC. 24. The agency may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing with Section 58300 of the Government Code) of the District Organization Law, and the district shall be considered

a district within the meaning of all the provisions of that article.

SEC. 25. The Legislature hereby finds that in the County of Contra Costa there are urgent county-wide problems of water conservation, development of water resources, and securing adequate water supplies which are unique to Contra Costa County, and that the county water districts, municipalities, and irrigation districts which now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone economically to plan and develop an adequate water supply, or adequately and feasibly to conserve the water supply of the agency; that to accomplish these ends it is necessary to have a political entity coextensive with the geographical limits of the entire agency; and that there is a great scarcity of water within the agency for municipal, irrigation, and other uses and there is an urgent need that an adequate supply of water be obtained. Investigation has shown conditions in the county to be peculiar to it and it is hereby declared that general law cannot be applicable to the agency and that the enactment of this special law is necessary for the planning, conservation, development, distribution, control and use of said water for the public good and for the protection of life and property therein.

SEC. 26. In case any section or sections, or part of any section, of this act shall be found to be unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 27. This act is designated and may be cited and referred to as the "Contra Costa County Water Agency Act"

CHAPTER 519

An act to amend Sections 471, 471.5, 552 and 577 of the Vehicle Code, relating to stop signs.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 471 of the Vehicle Code is amended to read:

471. Authority to Erect Stop Signs (a) The State Department of Public Works may erect stop signs at any entrance to any state highway. When such stop signs have been erected at any entrance to a state highway, such highway shall constitute a through highway. Location

(b) Subject to the provisions of Section 466, any local authority may designate any highway under its jurisdiction as a through highway and may erect like stop signs at specified entrances thereto or may designate any intersection under its

exclusive jurisdiction as a stop intersection and erect like signs at one or more entrances thereto.

(c) Any stop sign as hereinbefore referred to in this section may be erected either at or near the entrance to an intersection.

(d) Highway authorities in their respective jurisdictions may likewise erect stop signs at any location so as to control traffic within an intersection.

(e) When a required stop is to apply at the entrance to an intersection from a one-way street the roadway of which is 30 feet or more in width, stop signs shall be erected both on the left and the right sides of such one-way street at or near the entrance to the intersection.

SEC. 2. Section 471.5 of said code is amended to read:

Specifications

471.5. Description of Stop Signs. (a) Every stop sign erected after January 1, 1957, shall be of metal and octagonal in shape, shall have a red background and shall carry the word "stop" horizontally in white letters at least one-third the height of the sign. Each side of said sign shall be of equal length and shall be a minimum of 10 inches in length. Each letter of the word "stop" shall be of not less than one-inch stroke. Said sign may be of larger dimensions than specified herein, in which event the stroke of letters shall be increased in the proper proportion.

(b) The lettering upon every stop sign hereafter erected shall from sunset to sunrise be illuminated or reflectorized and the background upon every such sign may be illuminated or reflectorized. Illumination shall be by floodlight upon the face of the sign or by white light in the letters. Reflectorization shall be by white or clear reflecting units or reflecting coating in the letters with or without a red reflecting coating on the background.

(c) Stop signs erected prior to January 1, 1957, shall conform either to the requirements of this section or to the statutory requirements in effect on January 1, 1955, or in effect at the time such signs were erected.

SEC. 3. Section 552 of said code is amended to read:

Right of way

552. Vehicle Entering Through Highway. (a) The driver of any vehicle shall stop as required by Section 577 of this code at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard.

A driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle so about to enter or cross the through highway.

(b) The driver of any vehicle shall stop as required by Section 577 in obedience to a stop sign within an intersection erected as authorized by Section 471, and after such stop shall yield the right of way to other vehicles on that part of any roadway protected by any said stop sign which are so close as to constitute an immediate hazard.

A driver having so yielded may proceed and the drivers of all other vehicles approaching on that part of the roadway protected by the stop sign shall yield the right of way to the vehicle so about to enter or cross such protected part of the roadway.

SEC. 4. Section 577 of said code is amended to read:

577. Vehicles Must Stop at Through Highways. The driver of any vehicle upon approaching any entrance of a highway or intersection, or railroad grade crossing, signposted with a stop sign as provided in this code, except as otherwise permitted or directed in this code, shall stop: Stop required

(a) At a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection or, if not, then before entering such highway or intersection.

(b) At any point within an intersection as required by a stop sign erected as permitted by Section 471.

(c) Before entering a highway railroad grade crossing.

CHAPTER 520

An act to add Article 5.7, comprising Sections 777.1 to 777.3, inclusive, to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to the offering of free insurance as an inducement to purchase or rent goods.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.] In effect September 11, 1957

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

SECTION 1. Article 5.7 is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

Article 5.7. Free Insurance

777.1. No insurer shall sell any insurance on life or property or of any other kind which is to be offered by any seller or bailor as an inducement to purchase or rent such seller's or bailor's goods, without any separate charge by such seller or bailor for such insurance, nor shall any agent, broker, or solicitor arrange the sale of any such insurance. The provisions of this article shall not be applicable to insurance written in connection with subscriptions to newspapers of general circulation; nor shall it apply to insurance offered as a guarantee of the performance of goods, which insurance is designed to protect the purchasers or users of such goods; nor shall it be applicable to any life insurance written in connection with an indebtedness, the purpose of which insurance is to pay the balance of the indebtedness in the event of the death of the person insured. Prohibition

777.2. If any insurer, agent, broker or solicitor wilfully violates the provisions of this article, the Insurance Commissioner may suspend or revoke his certificate or license or other Sanctions

authority to do business or engage in his occupation for a period not exceeding one year. 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.

Definition

777.3. As used in this article "insurer" includes any admitted insurer, reciprocal, interinsurance exchange, fraternal benefit society, nonprofit hospital plan, or grant and annuity society.

CHAPTER 521

An act to add Section 7204.5 to the Revenue and Taxation Code, relating to uniform local sales and use taxes.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 7204.5 is added to the Revenue and Taxation Code, to read:

7204.5. The Controller shall deduct local sales taxes on sales of motor vehicle fuel which are subject to tax and refund pursuant to Section 6357 of the Revenue and Taxation Code.

CHAPTER 522

An act to amend Section 5102 of the Streets and Highways Code, relating to local improvement proceedings.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 5102 of the Streets and Highways Code is amended to read:

5102. In any proceeding for the making of any improvement authorized under Section 5101 of this code, the legislative body may order the acquisition of lands, rights of way and easements necessary in connection with such improvement and assess the cost of such acquisition, including incidental expenses thereof, as a part of the cost of such improvement. No assessments for the cost of such acquisition of lands, rights of way or easements under the authority of this section shall be levied in any proceeding for an amount greater than 20 percent of the engineer's estimate of the cost of the improvement, excluding any such acquisitions. Any such acquisition shall be described in the resolution of intention in general terms and refer to plans, profiles, detailed drawings and specifications or such of them as may be suitable and proper for the full detailed description of the lands, rights of way and easements proposed to be acquired. The city initiating

such proceedings is authorized to advance the cost of any such acquisition from its general funds and thereafter reimburse such general funds from said assessments as a part of the incidental expenses of such improvement.

CHAPTER 523

An act to amend Section 5248 of the Streets and Highways Code, relating to local improvement proceedings.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5248 of the Streets and Highways Code is amended to read:

Notice of award

5248. Notice of the award of the contract shall be published by the clerk.

The clerk may, upon payment of the statutory fee prescribed therefor, record a notice of the award of contract in the office of the county recorder. From the time of the recording of notice in the office of the county recorder, all property within the boundaries of the proposed assessment district shall be assessed to pay the costs of the improvement in proportion to the benefits which said property receives from the improvement, notwithstanding the subsequent acquisition of any such property by a public agency. Said notice shall be substantially as follows:

NOTICE OF AWARD OF CONTRACT IN PROPOSED ASSESSMENT DISTRICT

Pursuant to the requirements of Section 5248 of the Streets and Highways Code, notice is hereby given that a contract has been awarded by _____ to _____ for
(Legislative body) (Contractor)
_____ in _____ District
(Nature of improvement) (Improvement or assessment)
No. _ _ 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 clerk of the legislative body, 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.)

From the time of recording of this notice in the office of the county recorder, all property within the boundaries of the proposed assessment district shall be assessed to pay the cost of the

improvement in proportion to the benefits which said property receives from the improvement, notwithstanding the subsequent acquisition of any such property by a public agency.

Reference is made to the minutes of the action taken by _____ on file in my office for full particulars.

(Legislative body)

Dated: _____

_____

(Clerk of _____)

CHAPTER 524

An act to repeal Section 65805 of the Government Code, relating to zoning ordinances, and to validate certain county and city zoning ordinances and amendments thereto.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

Repeal

SECTION 1. Section 65805 of the Government Code is repealed.

Validation

SEC. 2. Any ordinance or amendment thereto passed pursuant to the Zoning Law of 1917 or the Conservation and Planning Act or its predecessor, is hereby confirmed, validated and declared legally effective.

This section shall not operate to confirm, validate or legalize any act or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate or legalize any act or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

CHAPTER 525

An act to amend Section 22301 of the Water Code, relating to powers and purposes of irrigation districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 22301 of the Water Code is amended to read:

22301. Contracts for the construction of any works shall be made pursuant to the provisions of this article except when the board, with the approval of the commission, elects to proceed to construct the works or any part thereof under its own superintendence.

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

With the coming of this year's irrigation season, it is imperative that many irrigation districts undertake the construction of facilities for the storage and distribution of water. The existing statutory requirement that most works, to be paid for with the proceeds of the sale of bonds or a limited assessment, be let by bid for contracts has proved to be a serious obstacle in many instances to the timely and efficient construction of the works. This act would permit a district board, with the approval of the California Districts Securities Commission, to construct works without the necessity of letting the works to bids. In order that irrigation districts will be able to take advantage of the authorization granted by this act in time to construct works urgently needed for the coming irrigation season, it is essential that this act go into immediate effect.

CHAPTER 526

An act to amend Sections 172, 172a, 172b, and 172d of the Penal Code, relating to alcoholic beverages.

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.] In effect September 11, 1957

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

SECTION 1. Section 172 of the Penal Code is amended to read:

172. 1. Every person who, within one-half mile of the land belonging to this State upon which any state prison, or within 1,900 feet of the land belonging to this State upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this State, or by the United States within this State, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells, gives away, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court. Zone of unlawful sale, etc. Institutions

Evidence

2. The possession by a person, within the distances mentioned in paragraph 1 of this section of any state prison, reformatory, grounds belonging to the University of California at Berkeley, University Farm at Davis, or of the land on which is located the Veterans' Home at Yountville, Napa County, California, or any building actually used as a home, retreat or asylum for ex-soldiers or sailors, and marines of the Army and Navy of the United States, within the State Capitol, or within the grounds adjacent and belonging thereto, of a license for the sale of intoxicating liquor issued under and by the authority of the Government of the United States shall, in any prosecution under paragraph 1 of this section, be deemed to be prima facie evidence of the violation of the provisions of paragraph 1 of this section.

Exceptions

3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

Measurement

4 Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

SEC. 2. Section 172a of said code is amended to read:

Zone of unlawful sale, etc Universities

172a Every person who, upon or within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; except that the provisions of this sentence shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect at the time when the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus of any university increases to exceed 500, and this section first becomes operative as to such university grounds or campus, and the provisions of this sentence do not prohibit the transfer of any such retail package off-sale beer and wine license or any such on-sale beer and wine license from one premises to another within the prescribed area; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated

by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing, or offering for sale of beer.

In measuring distances from the university grounds or campus of the University of Southern California in the City of Los Angeles, such distances shall not be measured by air line but by following the shortest road or roads connecting the points in question. Measurement

SEC. 3. Section 172b of said code is amended to read:

172b. 1. Every person who, within one and one-half miles of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located sells or exposes for sale any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days, or by both such fine and imprisonment, in the discretion of the court. Zone of unlawful sale U C L A

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question. Measurement

4. The provisions of this section shall not apply to the sale, giving away, exposing for sale, or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect on the effective date of this section, and the provisions of this section do not prohibit the transfer of any license from one premises to another within the prescribed area if the premises to which the license is transferred are not located more than 500 feet nearer to the grounds belonging to the University of California at Los Angeles than the premises from which the license is transferred, except that no license shall be transferred to any premises within an area where the sale of intoxicating liquor is prohibited by Section 172.

SEC. 4 Section 172d of said code is amended to read:

172d. 1. Every person who, within one mile of that portion of the grounds at Riverside (hereinafter described) belonging to the University of California, that will be used by Zone of unlawful sale, etc Riverside

the College of Letters and Sciences, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3 2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

Measurement

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

4. Until three years from the effective date of this section, the provisions of this section shall not apply to the sale, giving away, exposing for sale, or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect on the effective date of this section.

Grounds described

5. The portion of the grounds of the University of California referred to in paragraph 1 are situated in the County of Riverside and more particularly described as follows: beginning at the intersection of Canyon Crest Drive and U. S. Highway 60, thence southeasterly along said highway to a point opposite the intersection of said U. S. Highway 60 and Pennsylvania Avenue, thence northeasterly following center line of present drive into University campus, thence continuing north along said center line of drive on west side of Citrus Experiment Station buildings to a point intersecting the present east-west road running east from intersection of Canyon Crest Drive and U. S. Highway 60, thence east 500 feet more or less, thence north 1,300 feet more or less, thence east to intersection of east boundary of the Regents of the University of California property (Valencia Hill Drive), thence north along said east boundary to the north boundary of the Regents of the University of California property (Linden Street), thence west along said north boundary to the west boundary of the Regents of the University of California property (Canyon Crest Drive) thence south along said west boundary to the point of beginning.

CHAPTER 527

An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, and a statement as to whether or not the real property is registered under the Land Title Law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows: Execution

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. Procedure: Real property in defendant's name

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 Growing crops

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 in another's name

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

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

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.

Expenses

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

Liability

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); (d) industrial loan companies (as defined in Section 18003 of the Financial 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.

Torrens titles

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, 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 528

An act to amend Section 6311 of the Labor Code, relating to workmen's safety from exposure to ionizing radiation and radioactive materials.

In effect September 11, 1957

[Approved by Governor May 22, 1957. Filed with Secretary of State May 22, 1957.]

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

SECTION 1. Section 6311 of the Labor Code is amended to read:

6311. "Safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger, including the danger of exposure to potentially injurious levels of ionizing radiation or potentially injurious quantities of radioactive materials.

CHAPTER 529

An act to amend Section 28112 of the Government Code, relating to compensation for public service.

In effect September 11, 1957

[Approved by Governor May 24, 1957. Filed with Secretary of State May 24, 1957.]

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

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the twelfth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, fourteen thousand four hundred dollars ($14,400) a year.

(b) The district attorney, fifteen thousand six hundred dollars ($15,600) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, ten thousand eight hundred dollars ($10,800) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their resi-

dences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 530

An act to amend Section 7717.1 of the Education Code, relating to state school building aid.

[Approved by Governor May 24, 1957. Filed with Secretary of State May 24, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7717.1 of the Education Code is amended to read:

Construction 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, administration offices, transformer vaults, and service yards.

Computation

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 This section shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 531

An act to amend Section 2 of the Water Conservation Act of 1931 (Ch. 1020 of the Stats. of 1931), relating to water conservation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1957. Filed with Secretary of State May 24, 1957.] In effect immediately

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

SECTION 1. Section 2 of the Water Conservation Act of 1931 (Ch. 1020 of the Stats. of 1931) is amended to read:

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

1. To have perpetual succession;

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

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

4. To take by grant, appropriations, purchase, gift, devise, condemnation, or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers and to the accomplishment of the purposes of this act;

5. (Conservation of water.) To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for the storage of water and by spreading and sinking water, to build, construct, or acquire the necessary dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to sell, deliver, distribute or otherwise dispose of any water that may be stored or appropriated, owned or controlled by the district; to drill, construct, install and operate wells, pumps, pipelines, conduits, valves, gates, meters, and other appurtenances to such wells, pipelines and conduits, and to pump water therefrom and thereby for sale, delivery, distribution or other disposition; to fix the rates at which water may be sold by the district; provided, however, that rates shall be uniform for like classes of service throughout the district; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purposes of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and com-

promise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams or unnavigable river, or rivers, including the natural subterranean supply of water therefrom, which may be used or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

6. (Recreational facilities.) To acquire, construct, maintain and operate recreational facilities in connection with any dams, reservoirs or other works owned or controlled by the district and to fix and assess reasonable charges for the use of the same by members of the public, and to deposit any funds collected thereby with the county treasurer to the credit of the district as provided in Section 33 of this act.

7. (Dissemination of information) (Expenditures for purposes of dissemination.) To have the power and right to disseminate information concerning the rights, properties, activities, plans, and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed three cents ($0.03) for each one hundred dollars ($100) of assessed valuation of such district.

8 (Right of eminent domain.) To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this act, or to operate or to make use of the same, but the right of eminent domain shall not extend to any property used for, or dedicated to cemetery purposes.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may acquire by condemnation or agreement real property adjacent thereto or in the immediate vicinity thereof to be exchanged for real property so required by the district.

9. To vote bonds, cause assessments to be levied, cause elections to be held for the voting of bonds, or on the question of special assessments, and if said special assessments are voted, to cause the same to be levied, as herein provided, for the purpose of paying any obligation of the district, and for the purpose of raising money to further accomplish the purposes of this act in the manner herein provided;

10. To make contracts, to employ labor, and to do all acts necessary for the full exercise of the powers herein granted.

11. To provide for the construction, operation, and maintenance of such works, facilities, or operations within or without the district boundaries as the board deems necessary to protect the land or property in the district from damage by flood or overflow.

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

The United States Corps of Engineers is willing to provide urgently needed flood control projects; provided, that the local agencies involved are ready and able to provide cooperation in connection with the construction, operation, and maintenance thereof. This act would enable water conservation districts formed under the Water Conservation Act of 1931 to provide for the construction, operation, and maintenance of flood control works and to cooperate and contract with the Federal Government in connection therewith. In order that these flood control works may be constructed at the earliest possible time for the protection of land and property in water conservation districts, it is necessary that this act go into immediate effect.

CHAPTER 532

An act to amend Sections 501 and 502 of the Vehicle Code, relating to driving while under the influence of liquor.

[Approved by Governor May 24, 1957. Filed with Secretary of State May 24, 1957.] In effect September 11, 1957

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

SECTION 1. Section 501 of the Vehicle Code is amended to read:

501. Persons Driving Under Influence of Liquor Guilty of a Felony. Any person who, while under the influence of intoxicating liquor, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000). Felony

SEC. 2. Section 502 of the Vehicle Code is amended to read:

502. When Person Driving Under Influence of Liquor Guilty of Misdemeanor. (a) It is unlawful for any person who is under the influence of intoxicating liquor to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) Misdemeanor

or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 501 of this code.

License

(b) Whenever any person is convicted of a violation of this section it is the duty of the judge unless, under the provisions of Section 307, the court recommends that there be no license suspension, to require the surrender to him of any operator's or chauffeur's license of such person and to forward the same to the department with the abstract of conviction as provided in Section 744 hereof, and the department shall suspend the driving privilege of any person so convicted as provided in Section 307.

Probation, etc.

(c) Any person convicted of a second or subsequent offense under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

CHAPTER 533

An act to add Section 384 to the Penal Code, relating to emergency use of party telephone lines.

In effect September 11, 1957

[Approved by Governor May 24, 1957. Filed with Secretary of State May 24, 1957.]

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

SECTION 1. Section 384 is added to the Penal Code, to read:

384. (a) Any person who shall wilfully refuse to immediately relinquish a party line when informed that such line is needed for an emergency call, and in fact such line is needed for an emergency call, to a fire department or police department or for medical aid or ambulance service, or any person who shall secure the use of a party line by falsely stating that such line is needed for an emergency call, shall be guilty of a misdemeanor.

(b) "Party line" as used in this section means a subscribers' line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency" as used in this section means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

(c) Every telephone directory hereafter published and distributed to the members of the general public in this State or in any portion thereof which lists the calling numbers of telephones of any telephone exchange located in this State shall

contain a notice which explains the offense provided for in this section, such notice to be printed in type which is not smaller than any other type on the same page and to be preceded by the word "warning" printed in type at least as large as the largest type on the same page; provided, that the provisions of this subdivision shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories, nor to any telephone directory heretofore distributed to the general public. Any person, firm or corporation providing telephone service which distributes or causes to be distributed in this State copies of a telephone directory which is subject to the provisions of this section and which do not contain the notice herein provided for shall be guilty of a misdemeanor.

CHAPTER 534

An act to amend and renumber Section 368 (as added by Chapter 1003, Statutes of 1947) of the Education Code, relating to the county school service fund.

[Approved by Governor May 27, 1957. Filed with Secretary of State May 27, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 368 of the Education Code (as added by Chapter 1003, Statutes of 1947) is amended and renumbered to read:

7202.1. Notwithstanding any other provision of law, the county superintendent of schools, with the approval of the county board of education, may at the end of the school year 1946-47 transfer or cause to be transferred any unencumbered balance in the unapportioned county elementary school fund to a fund in the county treasury to be established by the county treasurer, known as the school district emergency aid fund. However, the amount so transferred shall not exceed the amount of the cash balance in the unapportioned county elementary school fund on July 1, 1933, plus any accounts receivable on that date, from unpaid loans and from delinquent county taxes due the fund under the provisions of law in effect on that date.

The school district emergency aid fund shall be used exclusively for the purpose of providing such temporary transfers of funds to school districts as are authorized by Section 31 of Article IV of the State Constitution. All such temporary transfers shall be made in the manner now or hereafter authorized by law.

Not later than July 1, 1958, the county superintendent of schools shall transfer the entire balance of the school district emergency aid fund, including cash balances and accounts receivable on that date, to the county school service fund.

CHAPTER 535

An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the twenty-sixth class.

In effect September 11 1957

[Approved by Governor May 27, 1957. Filed with Secretary of State May 27, 1957.]

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:

(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.

(d) Grand jurors in the superior court shall receive seven dollars ($7) for each day's attendance and eight cents ($0.08) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman.

Trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

CHAPTER 536

An act to amend Sections 4246, 4247, and 4281 of the Agricultural Code, relating to the establishment of minimum prices for fluid milk and fluid cream and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1957. Filed with Secretary of State May 27, 1957.] In effect immediately

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

SECTION 1. Section 4246 of the Agricultural Code is amended to read:

4246. The director may prescribe minimum prices to be paid by distributors in accordance with a stabilization and marketing plan for fluid milk and classify said milk according to usage by distributors, pursuant to the provisions of this chapter. Minimum prices

SEC. 2. Section 4247 of said code is amended to read:

4247. In the event that the director establishes under this chapter a stabilization and marketing plan for fluid milk, the director shall prescribe minimum prices to be paid by distributors for fluid cream, fluid skim milk, or milk fat, or fluid skim milk components of such fluid milk, under such a stabilization and marketing plan, pursuant to the provisions of this chapter.

SEC. 3. Section 4281 of such 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 the various classes; provided, however, that the prices so designated or prescribed shall be in a reasonable and sound economic relationship with the price of manufacturing milk; provided, further, that in determining such economic relationship the director shall take into consideration all of the relevant factors in such relationship, including but not limited to: (a) the reasonableness and economic soundness of manufacturing milk prices in relation to the costs of producing manufacturing milk; (b) the additional costs of producing and marketing fluid milk over and above costs of producing and marketing manufacturing milk; and (c) current and prospective supplies of fluid milk in relation to current and prospective demands for such fluid milk for all purposes; provided, further, that in designating and prescribing, or in providing methods for designating or prescribing such prices, the director shall also take into consideration all of the purposes, policies, and standards contained in Sections 4200, 4201, 4204, 4205 and 4230; and provided further, the director finds that such prices will insure consumers an adequate and continuous supply of pure, fresh, wholesome milk at fair and reasonable prices, including a reasonable estimate of the additional supply which is needed Same: Standards

to provide for normal fluctuations in production and in consumer demand for fluid milk, cream, and skim milk for such marketing area.

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:

The beneficial provisions of this act will directly affect the stability of the dairy industry and thus insure an adequate and continuing supply of fluid milk to the consuming public.

CHAPTER 537

An act to amend Sections 112 and 113 of the Revenue and Taxation Code, relating to the definition of credits.

In effect September 11, 1957

[Approved by Governor May 27, 1957. Filed with Secretary of State May 27, 1957.]

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

SECTION 1. Section 112 of the Revenue and Taxation Code is amended to read as follows:

"Credits"

112. "Credits" mean solvent debts owing to the assessee, and any interest therein, arising out of the sale of goods or services, unsecured by mortgage, trust deed, contract or other obligation where land is pledged as security.

It includes contracts for the sale of personal property by which title is vested in the vendor until payment of the purchase price specified in the contracts.

SEC. 2. Section 113 of the Revenue and Taxation Code is amended to read as follows:

"Solvent credits"

113. "Solvent credits" means all credits, except notes, bonds, debentures and intercorporation advances or deposits, either between parent and subsidiary corporations or between subsidiaries of the same parent corporation, whether the subsidiaries are wholly or partially owned.

CHAPTER 538

An act to add Sections 30692 and 30693 to the Streets and Highways Code, relating to the San Pedro-Terminal Island Tube.

In effect September 11, 1957

[Approved by Governor May 27, 1957. Filed with Secretary of State May 28, 1957.]

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

SECTION 1. Section 30692 is added to the Streets and Highways Code, to read:

30692. The authority shall forthwith undertake the financing and construction of the toll tube pursuant to Section 30682. Toll tube

SEC. 2. Section 30693 is added to said code. to read:

30693. After an agreement has been entered into between the department and the board, as provided in Section 30682, the authority may, if additional funds are necessary in order to finance the construction of the toll tube, from time to time direct the Controller to transfer to the fund designated as the acquisition and construction fund of the toll tube equal amounts from the following: Financing

(a) From the Highway Users Tax Fund an amount not in excess of the aggregate of the sums available for apportionment to the County of Los Angeles from the sums mentioned in Sections 2104, 2105, and 2106, or one million dollars ($1,000,000), whichever amount is the lesser. Any amount so transferred shall be deemed to be in the Highway Users Tax Fund for the purpose of making the apportionments mentioned in the enumerated sections, but the amount payable to the County of Los Angeles from the Highway Users Tax Fund shall be reduced by an amount equal to the transfers so made.

(b) From the State Highway Fund an amount not in excess of that available for allocation and expenditure within the City of Los Angeles pursuant to Section 194. Any amount so transferred shall be deemed to be in the State Highway Fund for the purpose of making the allocations mentioned in Section 194, but the amount expended from the State Highway Fund within the City of Los Angeles shall be reduced by an amount equal to the transfers so made.

The amounts so transferred shall be paid out or disbursed solely for the acquisition or construction of the toll tube and the acquisition of the necessary lands and easements therefor. Any amount of such transfers not so expended shall be returned to the fund from which transferred and from it be apportioned or allocated and expended as if the transfer had not been made.

CHAPTER 539

An act to amend Sections 32202 and 32203 of, and to add Section 32134 to, the Health and Safety Code, relating to hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1957. Filed with Secretary of State May 28, 1957.] In effect immediately

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

SECTION 1. Section 32202 of the Health and Safety Code is amended to read:

32202. The board of supervisors shall thereupon levy upon the taxable property of the district within its own county a Tax

tax sufficient in amount to maintain the district but not to exceed the twenty-cent ($0.20) limit provided in Section 32203 and, in addition, a tax sufficient to pay the interest on all outstanding bonds of said district as the same becomes due, and also to constitute a sinking fund for the payment of the principal thereof at maturity, and a tax sufficient to pay rentals under any contract for the construction and leasing of any hospital buildings or facilities entered into by the district prior to January 1, 1956. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the assessed value of the property in the several counties included within said district as shown upon the last assessment rolls of the said counties, and the estimates apportioned to the several counties shall be rendered to their respective boards of supervisors and the tax shall be levied and collected by the officials of each county upon the property of the district lying therein.

SEC. 2. Section 32203 of said code is amended to read:

32203. The tax, exclusive of the levy for the payment of the principal and interest of bonds and any special assessment voted hereunder, and exclusive of the levy for the payment of rentals under any contract for the construction and leasing of any hospital buildings or facilities entered into by the district prior to January 1, 1956, shall in no case exceed the rate of twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon such property.

SEC. 3. Section 32134 is added to said code, to read:

Contracts Effective date

32134. The effective date of any contract entered into for the construction and leasing of any hospital building or facilities shall be the date of execution of said lease notwithstanding the fact that said lease may be later amended.

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:

Hospital districts organized under the Local Hospital District Law have entered into lease-contracts for urgently needed hospital buildings but financing for the construction thereunder is threatened by the possibility that district revenues will be insufficient to meet the payments under the lease-contracts and the costs of operation and maintenance because of existing tax rate limitations.

This act will remedy this situation and enable the districts to eliminate a critical and urgent need for hospitals in the areas served by them without delay.

CHAPTER 540

An act to amend Section 137.3 of the Civil Code, relating to attorney's fees and costs in certain actions.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 137.3 of the Civil Code is amended to read:

137.3. During the pendency of any action for annulment in which costs and attorney's fees are authorized by Section 87 of this code and of any action for divorce or for separate maintenance, or for the custody, support, maintenance or education of children, the court may order the husband or wife, or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the action and for attorney's fees if such relief is requested in the complaint, cross-complaint or answer; and from time to time and before entry of judgment, the court may augment or modify the original award, if any, for costs and attorney's fees as may be reasonably necessary for the prosecution or defense of the action or any proceeding relating thereto. In respect to services rendered or costs incurred after the entry of judgment, the court may award such costs and attorney's fees as may be reasonably necessary to maintain or defend any subsequent proceeding therein, whether or not such relief was requested in the complaint, cross-complaint or answer, and may thereafter augment or modify any award so made. Attorney's fees and costs within the provisions of this section may be awarded for legal services rendered or costs of action incurred prior, as well as subsequent, to any application or order of court therefor, including services rendered or costs incurred prior to the filing of the complaint. Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary.

An application for an order making, augmenting, or modifying an award of attorney's fees or costs or both shall be made by motion on notice or by an order to show cause, except that it may be made without notice by an oral motion in open court

(a) at the time of the hearing of the cause on the merits; or

(b) at any time prior to entry of judgment against a party whose default has been entered pursuant to Section 585 or Section 586 of the Code of Civil Procedure. With respect to divorce actions, judgment as used in this section means interlocutory judgment.

CHAPTER 541

An act to amend Section 14341 of the Revenue and Taxation Code, relating to inheritance taxation.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 14341 of the Revenue and Taxation Code is amended to read:

14341. Unless the written consent of the Controller, or of a person authorized in writing by the Controller to issue the consent, is first secured, no corporation organized or existing under the laws of this State shall transfer on its books or issue a new certificate for any share of its capital stock belonging to or standing in the name of a decedent, belonging to or standing in the joint names of a decedent and one or more other persons, or held in trust for a decedent.

The Controller in his discretion may give a general consent to corporations or their transfer agents permitting transfer of shares upon their obtaining an Affidavit of Residence upon a form prescribed or approved by the Controller.

CHAPTER 542

An act to amend Sections 17204, 17287, 17501, 17503, 17504, 17514, 17516, 17517, 17522, 18200, 18411, 18552, 18802, 18807, 18863, 18864, 18882, 18883 and 19053.3 of, and to add Section 17304 to Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 17204 of the Revenue and Taxation Code is amended to read:

Deductions: Taxes paid

17204. (a) Except as otherwise provided in this section, there shall be allowed as a deduction taxes paid or accrued within the taxable year.

(b) No deduction shall be allowed for the following taxes:

(1) Taxes paid or accrued to the State under this part;

(2) Taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of:

(A) The Government of the United States or any foreign country;

(B) Any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory;

(3) Estate, inheritance, legacy, succession, and gift taxes;

(4) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section;

(5) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges. Nor does this exclude the allowance of any irrigation or other water district taxes or assessments which are levied for the payment of the principal of any improvement or other bonds for which a general assessment on all lands within the district is levied as distinguished from a special assessment levied on part of the area within the district.

(6) Federal stamp taxes (not described in subsections (b)(2) (3), (4), or (5)); but this subsection shall not prevent such taxes from being deducted under Section 17202 (relating to trade or business expenses) or Section 17252 (relating to expenses for the production of income).

(c) (1) In the case of any state or local sales tax, if the amount of the tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be allowed as a deduction to the consumer as if it constituted a tax imposed on, and paid by, such consumer.

(2) For purposes of paragraph (c)(1), the term "state or local sales tax" means a tax imposed by a state, a territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia, which tax—

(A) Is imposed on persons engaged in selling tangible personal property at retail (or on persons selling gasoline or other motor vehicle fuels at wholesale or retail) and is a stated sum per unit of property sold or is measured either by the gross sales price or by the gross receipts from the sale; or

(B) Is imposed on persons engaged in furnishing services at retail and is measured by the gross receipts for furnishing such services.

SEC. 2. Section 17287 of the Revenue and Taxation Code is amended to read:

17287. (a) No deduction shall be allowed— Same: Losses, etc.

(1) In respect of losses from sales or exchanges of property (other than losses in cases of distributions in corporate liquidations), directly or indirectly, between persons specified within Section 17288.

(2) In respect of expenses, otherwise deductible under Section 17202 or 17252, or of interest, otherwise deductible under Section 17203—

(A) If within the period consisting of the taxable year of the taxpayer and two and one-half months after the close thereof (1) such expenses or interest are not

paid, and (2) the amount thereof is not includible in the gross income of the person to whom the payment is to be made; and

(B) If, by reason of the method of accounting of the person to whom the payment is to be made, the amount thereof is not, unless paid, includible in the gross income of such person for the taxable year in which or with which the taxable year of the taxpayer ends; and

(C) If, at the close of the taxable year of the taxpayer or at any time within two and one-half months thereafter, both the taxpayer and the person to whom the payment is to be made are persons specified within any one of the paragraphs of Section 17288;

the amount of expenses incurred or interest accrued the deduction of which is disallowed under this section in the year incurred or accrued, may be deducted in the year paid.

SEC. 3. Section 17501 of the Revenue and Taxation Code is amended to read:

Exempt trusts

17501. A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this article which is exempt from the tax imposed by this part unless such exemption is denied under Section 17813, 17814, or 17815—

(a) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under Section 17516(b) (relating to deduction for contributions to profit-sharing and stock bonus plans), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(b) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(c) If the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this section which benefits either—

(1) Seventy percent or more of all the employees, or 80 percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than 20 hours in any one week, and

employees whose customary employment is for not more than five months in any calendar year, or

(2) Such employees as qualify under a classification set up by the employer and found by the Franchise Tax Board not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees;

and

(d) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees

(e) A classification shall not be considered discriminatory within the meaning of subsection (c)(2) or (d) merely because it excludes employees the whole of whose remuneration constitutes "wages" under Section 3121(a)(1) of the Internal Revenue Code (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by Section 3121(a)(1) of the Internal Revenue Code, or of the California Unemployment Insurance Act differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under state or federal law.

(f) A plan shall be considered as meeting the requirements of subsection (c) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

SEC. 4. Section 17503 of the Revenue and Taxation Code is amended to read:

17503. (a) Except as provided in subsection (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17108, inclusive. The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

Same: Distributions

(b) In the case of an employees' trust described in Section 17501, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee, which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includible in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than two years, but not more than five years.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

Definitions

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in Section 17535(a) and (b)) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 5. Section 17504 of the Revenue and Taxation Code is amended to read:

Contributions Employees' trust

17504 Contributions to an employees' trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt from tax under Section 17501 shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17108, inclusive.

SEC. 6. Section 17514 of the Revenue and Taxation Code is amended to read:

Pension trusts

17514. If the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of

the trust for which the trust is exempt under Section 17501, the amount deductible is determined as follows:

(a) An amount not in excess of 5 percent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the Franchise Tax Board upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(b) Any excess over the amount allowable under subsection (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Franchise Tax Board, but if such remaining unfunded cost with respect to any three individuals is more than 50 percent of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years, or

(c) In lieu of the amounts allowable under subsections (a) and (b) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Franchise Tax Board plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 percent of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Franchise Tax Board, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(d) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations

SEC. 7. Section 17516 of the Revenue and Taxation Code is amended to read:

Stock bonus, etc., trusts

17516. (a) A deduction shall be allowed in the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under Section 17501, in an amount not in excess of 15 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable

year there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 percent of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in any taxable year in excess of the amount allowable with respect to such year under the preceding provisions of this section shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this section shall not exceed 15 percent of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust," as used in this section, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially as provided in Section 17514. If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for purposes of applying the limitations in this section.

(b) In the case of a profit-sharing plan, or a stock bonus plan in which contributions are determined with reference to profits, of a group of corporations which is an affiliated group within the meaning of Section 1504 of the Federal Internal Revenue Code, if any member of such affiliated group is prevented from making a contribution which it would otherwise have made under the plan, by reason of having no current or accumulated earnings or profits or because such earnings or profits are less than the contributions which it would otherwise have made, then so much of the contribution which such member was so prevented from making may be made, for the benefit of the employees of such member, by the other members of the group, to the extent of current or accumulated earnings or profits, except that such contribution by each such other member shall be limited, where the group does not file a consolidated return, to that proportion of its total current and accumulated earnings or profits remaining after adjustment for its contribution deductible without regard to this subsection which the total prevented contribution bears to the total current and accumulated earnings or profits of all the members of the group remaining after adjustment for all contributions deductible without regard to this subsection. Contributions made under the preceding sentence shall be deductible under subsection (a) of this section by the employer making such contributions, and, for the purpose of determining amounts which may be carried forward and deducted under

the second sentence of subsection (a) of this section in succeeding taxable years, shall be deemed to have been made by the employer on behalf of whose employees such contributions were made.

SEC. 8. Section 17517 of the Revenue and Taxation Code is amended to read:

Out-of-state trusts

17517. If a stock bonus, pension, or profit-sharing trust would qualify for exemption under Section 17501 except for the fact that it is a trust created or organized outside of this State, contributions to such a trust by an employer which is a resident, or corporation, or other entity of this State, shall be deductible under the preceding sections.

SEC. 9. Section 17522 of the Revenue and Taxation Code is amended to read:

Plans negotiated with Federal Government

17522. If contributions are paid by an employer—

(a) Under a plan under which such contributions are held in trust for the purpose of paying (either from principal or income or both) for the benefit of employees and their families and dependents at least medical or hospital care, and pensions on retirement or death of employees; and

(b) Such plan was established prior to January 1, 1955, as a result of an agreement between employee representatives and the Government of the United States during a period of government operation, under seizure powers, of a major part of the productive facilities of the industry in which such employer is engaged,

such contributions shall not be deductible under this section nor be made nondeductible by this section, but the deductibility thereof shall be governed solely by Section 17202 (relating to trade or business expenses). This section shall have no application with respect to amounts contributed to a trust on or after any date on which such trust is qualified for exemption from tax under Section 17501.

SEC. 10 Section 18200 of said code is amended to read:

Gains from property transfer

18200. Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to so much of Section 17208 as relates to amortization deduction of emergency facilities, shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182.

SEC. 11. Section 18411 of the Revenue and Taxation Code is amended to read:

"Net income"

18411. For the purpose of this part, the term "net income" means gross income computed under this part, less the deductions allowed by this part, other than the deductions allowed by Article 5 of Chapter 3 and Article 1 of Chapter 9.

SEC. 12 Section 18552 of the Revenue and Taxation Code is amended to read:

Installment payments

18552. On or before the date prescribed for the payment of the tax the taxpayer may elect to pay the tax in three equal

installments. The first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on the fifteenth day of the fourth month, and the third installment on the fifteenth day of the eighth month, after that date. Notwithstanding the provisions of this section, if the amount paid on or before the due date of the first installment is less than the tax as corrected in accordance with the provisions of Section 18601, the taxpayer shall be deemed to have elected to pay the tax in three equal installments in the manner provided herein. See subdivision (b) of Section 18686 for the acceleration of payment if any installment is not paid on or before the date fixed for its payment.

SEC. 13. Section 18802 of said code is amended to read:

Tax return

18802. (a) Every individual, partnership, corporation, joint stock company or association, insurance company, business trust, or so-called Massachusetts trust, engaged in a trade or business in this State or making payment in the course of such trade or business to another person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this State or any political subdivision of this State, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the State, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return to the Franchise Tax Board, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it.

"Trade or business"

(b) For purposes of subdivision (a), the term "trade or business" includes the activities of nonprofit organizations.

SEC. 14. Section 18807 of the Revenue and Taxation Code is amended to read:

Notice to withhold

18807. The Franchise Tax Board may by notice, served personally or by registered mail, require any person, officer or department of the State, political subdivision or agency of the State, city organized under a freeholder's charter, or political body not a subdivision or agency of the State, having in their possession, or under their control, any credits or other personal property or other things of value, belonging to a taxpayer or to a person who has failed to withhold and transmit amounts due pursuant to Sections 18806 and 18808, to withhold, from such credits or other personal property or other things of value, the amount of any tax, interest or penalties due from the taxpayer or the amount of any liability incurred by such person for failure to withhold and transmit amounts due from a taxpayer under this part and to transmit the

amount withheld to the Franchise Tax Board at such times as it may designate.

SEC. 15. Section 18863 of the Revenue and Taxation Code is amended to read:

Tax lien

18863. An abstract or a copy of the judgment may be recorded with the county recorder of any county. From the time of the recording, the amount of the tax, penalty, and interest set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for 10 years from the date of the recording unless sooner released or otherwise discharged.

SEC. 16. Section 18864 of the Revenue and Taxation Code is amended to read:

Same Extension

18864. Within 10 years from the date of the recording or within 10 years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county an abstract or copy of the judgment. From the time of the recording the lien extends to the property in the county for 10 years unless sooner released or otherwise discharged.

SEC. 17. Section 18882 of the Revenue and Taxation Code is amended to read:

Same Effect

18882. From the time of the filing for recording the amount of the tax, interest, and penalty set forth constitutes a lien upon all property of the taxpayer in the county, owned by him or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and continues for 10 years from the date of the recording unless sooner released or otherwise discharged.

SEC. 18. Section 18883 of the Revenue and Taxation Code is amended to read:

18883. Within 10 years from the date of the recording or within 10 years from the date of the last extension of the lien in the manner provided in this section, the lien may be extended by recording in the office of the county recorder of any county a new certificate. From the time of the recording the lien extends to the property in the county for 10 years unless sooner released or otherwise discharged.

SEC. 19. Section 19053.3 of the Revenue and Taxation Code is amended to read:

Period for credit or refund

19053.3. The period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the Franchise Tax Board may mail a notice of proposed additional assessment under the same circumstances, if:

(a) The taxpayer has, within the period prescribed in Section 19053, agreed in writing, under the provisions of Article 2 of Chapter 18, to extend the time within which the Franchise Tax Board may propose an additional assessment, or

(b) The taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in federal income tax for any year.

SEC. 20. Section 17304 is added to the Revenue and Taxation Code, to read:

Alimony, etc., deductions

17304. The deduction provided by Section 17263, relating to alimony or separate maintenance payments, shall not be allowed to a nonresident husband.

Legislative intent

SEC. 21. Section 10 of this act is hereby declared to be merely a clarification of the original intention of the Legislature, rather than a substantive change, and such section shall be construed for all purposes as though it had always read as hereinabove set forth

SEC. 22. Nothing in Section 15, 16, 17, or 18 shall be construed to revive a judgment, lien, or certificate of tax, interest and penalties due, for the recovery of money which shall have been barred at the time of the passage of this act.

Tax levy

SEC. 23. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 543

An act to amend Section 24344 of Part 11 of Division 2 of the Revenue and Taxation Code, and Section 12204 of the Government Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, and to fees payable by foreign corporations for filing their articles of incorporation, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 24344 of the Revenue and Taxation Code is amended to read:

Interest deduction

24344. (a) Except as limited by subsection (b), there shall be allowed as a deduction all interest paid or accrued during the income year on indebtedness of the taxpayer.

(b) If income of the taxpayer is determined by the allocation formula contained in Section 25101, the interest deductible shall be an amount equal to interest income subject to allocation by formula, plus the amount, if any, by which the balance of interest expense exceeds interest and dividend income (except dividends deductible under the provisions of Section 24402) not subject to allocation by formula. Interest expense not included in the preceding sentence shall be directly offset against interest and dividend income (except dividends deductible under the provisions of Section 24402) not subject to allocation by formula.

SEC. 2. Section 12204 of the Government Code is amended to read:

12204. The fee for filing the certified copy of the articles of incorporation of a foreign nonprofit corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares, is five dollars ($5). Filing fees

The fee for filing the certified copy of articles of incorporation of any other foreign corporation is three hundred fifty dollars ($350).

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect. Tax levy

---

CHAPTER 544

An act to repeal Sections 23562, 23562a, and 23562b, of, and to amend Sections 23222a, 23251, 23701h, 24345, 24428, 24512, 24672, 24945, 24961, 24962, 25732, 26073a, and 26161, of, and to add Article 3 to Chapter 3, comprising Sections 23571 and 23572, to Part 11 of Division 2 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts, and providing that this act shall take effect immediately.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect immediately

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

SECTION 1. Sections 23562, 23562a, and 23562b of Part 11 of Division 2 of the Revenue and Taxation Code are repealed. Repeal

SEC. 2. Section 23222a of the Revenue and Taxation Code is amended to read:

23222a. In every case in which the second or succeeding taxable years of a commencing taxpayer constitute a period of less than 12 months or in which the taxpayer does business for a period of less than 12 months during its second or succeeding taxable years, the tax for such year or years shall be measured by the income of that period or periods subject to the continuation of the prepayment procedure outlined in Section 23222. In no event shall the income of any period or periods herein described be used as the measure of the tax, other than the prepayment, for the following taxable year, until the income of the second or a succeeding taxable year constitutes a period of 12 months. Thereafter the procedure outlined in Section 23222, in respect of the second and third taxable years, shall apply and the taxpayer shall not be subject to the provisions of this section. Short taxable years

In the event that a taxpayer is dissolved or withdraws from this State while subject to the provisions of this section, its tax for the year of dissolution or withdrawal shall be measured by its net income for such year However, in no event shall the tax be less than the minimum tax provided by Section 23153.

SEC. 3. Section 23251 of the Revenue and Taxation Code is amended to read:

"Reorganization"

23251. The term "reorganization" as used in this chapter means (a) a transfer by a bank or corporation of all or a substantial portion of its business or property to another bank or corporation if immediately after the transfer the transferor or its stockholders or both are in control of the bank or corporation to which the assets are transferred; or (b) a mere change in identity, form or place of organization however effected; or (c) a merger or consolidation; or (d) a distribution in liquidation (other than a distribution to which Section 24504(b)(2) applies) by a bank or corporation of all or a substantial portion of its business or property to a bank or corporation stockholder, and the bank or corporation stockholder continues all or a substantial portion of the business of the liquidated bank or corporation. As used in this section the term "control" means the ownership of at least 80 percent of the voting stock and at least 80 percent of the total number of shares of all other classes of stock of the bank or corporation.

SEC. 4. Section 23701h of the Revenue and Taxation Code is amended to read:

Holding corporation

23701h. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from taxes imposed on or measured by income.

SEC. 5. Section 24345 of the Revenue and Taxation Code is amended to read:

Deductions for taxes paid

24345. There shall be allowed as a deduction—

(a) Taxes or licenses paid or accrued during the income year except:

(1) Taxes paid to the State under this part.

(2) Taxes on or according to or measured by income or profits paid or accrued within the income year imposed by the authority of

(A) The Government of the United States or any foreign country; or

(B) Any state, territory, county, school district, municipality, or other taxing subdivision of any state or territory.

(3) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges. Nor does this exclude the allowance of any irrigation or other water district taxes or assessments which are levied for the payment of the principal of any improvement or other bonds for which a general assessment on all lands within the district is levied as distinguished from a special assessment levied on part of the area within the district.

(4) Federal stamp taxes (not described in subsections (a) 2 or (3); but this subsection shall not prevent such taxes

from being deducted under Section 24343 (relating to trade or business expenses).

(b) (1) In this subsection, "retail sales tax" means a tax imposed by any state, territory, district, or possession of the United States, or any political subdivision thereof, upon persons engaged in:

(A) Selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of the property sold.

(B) Furnishing services at retail, which is measured by the gross receipts for furnishing the services.

(2) If the amount of a retail sales tax is separately stated, to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) the amount shall be allowed as a deduction in computing the net income of the purchaser as if the amount were a tax imposed upon and paid by the purchaser.

SEC. 6. Section 24428 of the Revenue and Taxation Code is amended to read:

Relationships

24428. The persons referred to in Section 24427 are:

(1) Members of a family, as defined in Section 24429(d);

(2) An individual and a corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for such individual.

(3) Two corporations more than 50 percent in value of the outstanding stock of each of which is owned, directly, or indirectly, by or for the same individual.

SEC. 7. Section 24512 of the Revenue and Taxation Code is amended to read:

Complete liquidations

24512. If—

(a) A corporation, other than a corporation described in Section 23222 or 23222a, adopts a plan of complete liquidation on or after December 31, 1954; and

(b) Within the 12-month period beginning on the date of the adoption of such plan, all of the assets of the corporation are distributed in complete liquidation, less assets retained to meet claims;

then no gain or loss shall be recognized to such corporation from the sale or exchange by it of property within such 12-month period.

SEC. 8. Section 24672 of said code is amended to read:

Unreported income

24672. (a) Where a taxpayer elects to report income arising from the sale or other disposition of property as provided in this article, and the entire income therefrom has not been reported prior to the year that the taxpayer ceases to be subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part, the unreported income shall be included in the measure of the tax for the last year in which the taxpayer is subject to the tax measured by net income imposed under Chapter 2 or Chapter 3 of this part. Abatement shall not be allowed under the provisions of Sections 23331 to 23333, inclusive, for any tax measured by unreported in-

stallment income arising from installment sales made during prior income years which is included in the measure of the tax by reason of this section or for installment income reported during the year preceding the year in which the taxpayer ceases to be subject to the tax imposed by this part. Abatement shall be allowed for any tax measured by reported or unreported income arising from installment sales made during the income year preceding dissolution or withdrawal or cessation of business. This section shall not be applicable where the installment obligation is transferred pursuant to a reorganization as defined in Sections 24562 and 24563 to another taxpayer a party to the reorganization subject to tax under the same chapter as the transferor, or is transferred to any exempt nonprofit cemetery corporation as defined in Section 23701c of this code The determination of any deficiency resulting from this section shall be made under the provisions of Chapter 20, Article 1, but the period of limitation under that article, and the accrual of interest under Chapter 21, Article 1, shall commence on the date the taxpayer ceases to be subject to the tax imposed under Chapter 2 or Chapter 3 of this part,

(b) "Cessation of business" as herein used means the failure to do business during an entire taxable year.

SEC. 9. Section 24945 of the Revenue and Taxation Code is amended to read:

Limitation on deficiency assessment

24945. If a taxpayer has made the election provided in Section 24944(a), then—

(a) The statutory period for the assessment of any deficiency, for any income year in which any part of the gain on such conversion is realized, attributable to such gain shall not expire prior to the expiration of four years from the date the Franchise Tax Board is notified by the taxpayer (in such manner as the Franchise Tax Board may by regulations prescribe) of the replacement of the converted property or of an intention not to replace; and

(b) Such deficiency may be assessed before the expiration of such four-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

SEC. 10. Section 24961 of the Revenue and Taxation Code is amended to read:

Property acquired during affiliation

24961. In the case of the property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the Franchise Tax Board without regard to intercompany transactions in respect of which gain or loss was not recognized The basis in case of property acquired by a corporation during any period, in the income year 1929 or any subsequent income year, in respect of which a consolidated return is made by such corporation under Article 9 of Chapter 2 or Section 141 of the Federal Revenue Act of

1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or in the case of a corporation subject to the tax imposed by Chapter 3, the Federal Revenue Act of 1938, shall be determined in accordance with regulations prescribed under Article 9 of Chapter 2 or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1936, or in the case of a corporation subject to the tax imposed by Chapter 3, the Federal Revenue Act of 1938 The basis in the case of property held by a corporation during any period, in the income year 1929 or any subsequent income year, in respect of which a consolidated return is made by such corporation under Article 9 of Chapter 2 or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or, in the case of a corporation subject to the tax imposed by Chapter 3, or the Federal Revenue Act of 1938, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under Article 9 of Chapter 2 or Section 141 of the Federal Revenue Act of 1928 or the Federal Revenue Act of 1932 or the Federal Revenue Act of 1934 or the Federal Revenue Act of 1936, or in the case of a corporation subject to the tax imposed by Chapter 3, or the Federal Revenue Act of 1938, applicable to such period.

SEC. 11. Section 24962 of the Revenue and Taxation Code is amended to read:

Basis

24962. (a) If the property was acquired, after February 28, 1913, in any income year beginning before January 1, 1934, and the basis thereof, for purposes of the Revenue Act of 1932 was prescribed by Section 113(a) (6), (7), or (9) of such act (47 Stat. 199), then for purposes of this part the basis shall be the same as the basis therein prescribed in the Revenue Act of 1932.

(b) If the property was acquired, after February 28, 1913, in any income year beginning before January 1, 1937, and the basis thereof, for purposes of the Revenue Act of 1934, was prescribed by Section 113(a) (6), (7), or (8) of such act (48 Stat. 706), then for purposes of this part the basis shall be the same as the basis therein prescribed in the Revenue Act of 1934.

(c) If the property was acquired after February 28, 1913, in a transaction to which the Bank and Corporation Tax Law of 1954 applied, and the basis thereof, for purposes of the Bank and Corporation Tax Law of 1954, was prescribed by Section 25071(d), 25071(e), or 25071(f) of such law, then for purposes of this part the basis shall be the same as the basis therein prescribed in the Bank and Corporation Tax Law of 1954.

(d) Stock rights acquired after February 28, 1913, and before January 1, 1955, shall have the basis assigned to such property under Section 25071m of the Bank and Corporation Tax Law of 1954.

SEC. 12. Section 25732 of the Revenue and Taxation Code is amended to read:

Failure to file return

25732. If, in the case of a taxpayer subject to the tax imposed by this part, any return required by this part is not made, the Franchise Tax Board, at any time, may require a return, under oath, or may make an estimate of the net income, from any available information and may compute and levy the amount of tax, interest and penalties due under this part. All the provisions of this part, not in conflict herewith, relative to delinquent taxes shall be applicable to the tax, interest and penalties computed and levied hereunder. A proceeding in court for the collection of the tax, interest and penalties provided for in this section may be begun without assessment at any time.

SEC. 13. Section 26073a of the Revenue and Taxation Code is amended to read:

Additional assessment

26073a. If (1), the taxpayer has, within the period prescribed in Section 26073 agreed in writing, under the provisions of Chapter 20, Article 1, to extend the time within which the Franchise Tax Board may propose an additional assessment, or, (2) the taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension, or renewals thereof, of the period for proposing and assessing deficiencies in federal income tax for any year, the period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the Franchise Tax Board may issue a notice of proposed additional assessment under such circumstances. The provisions of this section shall apply to any claim filed, or credit or refund allowed or made, before the execution of such agreements.

SEC. 14. Section 26161 of the Revenue and Taxation Code is amended to read:

Lien

26161. If any tax, interest or penalty imposed by this part is not paid when due, the Franchise Tax Board may within three years after the amount of the tax, interest and penalty is due, file for record in the office of any county recorder a certificate specifying the amount of the tax, interest and penalty due, the name and last known address of the taxpayer liable for the amount, and the fact that the Franchise Tax Board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount of the tax, interest and penalty set forth constitutes a lien upon all property of the taxpayer in the county, owned by the taxpayer or afterward and before the lien expires acquired by it. The lien has the force, effect and priority of a judgment lien and shall continue for 10 years from the time of the filing for record of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing for record of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by

filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 15. Article 3 is added to Chapter 3 of Part 11 of Division 2 of the Revenue and Taxation Code, to read:

Article 3. Suspensions

Suspension of corporate powers, etc.

23571. The corporate powers, rights and privileges of a domestic taxpayer shall be suspended and shall not be exercised for any purpose or in any manner in this State:

(a) If any tax, penalty or interest, or any portion thereof, which is due and payable either at the time the return is required to be filed, or on or before the fifteenth day of the ninth month following the close of the income year, is not paid on or before 6 o'clock p.m. of the last day of the twelfth month after the close of the income year; or

(b) If any tax, penalty or interest, or any portion thereof, other than jeopardy or fraud assessments, due and payable upon notice and demand from the Franchise Tax Board, is not paid on or before 6 o'clock p.m. on the last day of the eleventh month following the due date of said tax; or

(c) If any jeopardy or fraud assessment, or any interest or penalty thereon, is not paid within 40 days from the date such tax, penalty and interest are due and payable upon notice and demand from the Franchise Tax Board, unless the bond required by Section 25761a is filed to stay the collection of said tax, penalty and interest, and said tax, interest and penalty are paid within 60 days after notice by the Franchise Tax Board on the taxpayer's petition for reassessment.

Same: Evidence

23572. The certificate of the Franchise Tax Board setting forth that the suspended taxpayer has been notified of its liability for tax under this chapter and that such tax has not been paid, shall constitute prima facie evidence of such facts. The suspension shall be terminated on payment of the tax, and the certificate of the Franchise Tax Board that the tax has been paid shall be evidence of the termination of the suspension.

Legislative intent

SEC. 16. The amendment made by Section 2 of this act is hereby declared to be merely a clarification of the original intention of the Legislature, rather than a substantive change, and such section shall be construed for all purposes as though it had always read as hereinabove set forth.

SEC. 17. Nothing in Section 14 of this act shall be construed to revive any certificate of amount of tax, interest and penalty due which shall have been barred by limitation at the time of the passage of this act.

Tax levy

SEC. 18. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 545

An act to amend Sections 651 and 652 of the Elections Code, relating to precinct boards.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 651 of the Elections Code is amended to read:

Precinct boards

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:

(a) At every state-wide election in which the precinct registration exceeds 100.

(b) At each municipal election except in:

(1) General law cities.

(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 652 of said code is amended to read:

Same

652. In precincts in which voting machines are not used the precinct board consists of one inspector, one judge, and two clerks:

(a) In any precinct at a state-wide election in which the total registration does not exceed 100 voters.

(b) At any special election for selection of a board of freeholders.

(c) At any special election at which measures, not exceeding four in number, including proposals for issuance of bonds, for annexation of territory and adoption or amendment of a charter are presented to the voters.

(d) At any special election where other provision is not made by law.

(e) At any election where the ballots are to be counted at a central place, instead of at the precincts.

(f) At every local or consolidated election not held exclusively within one or more municipalities.

(g) At any municipal election held under the provision of a freeholders' charter, where a majority of the election board so determine.

(h) At every municipal election held in a general law city.

CHAPTER 546

An act to amend Section 4233 of the Education Code, relating to standards for the formation of junior college districts.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4233 of the Education Code is amended to read:

4233. The State Board of Education shall establish minimum standards for the formation of junior college districts. The standards shall include, in addition to such others as the board may establish, a requirement that the assessed valuation of the area proposed to be included in a junior college district shall be an amount which, upon the levy of a district tax, when added to the available state financial aid for junior college education, will be deemed adequate for a junior college in the proposed area.

CHAPTER 547

An act to provide for the creation of the Los Angeles Metropolitan Transit Authority and prescribe the powers and duty thereof; authorizing the authority to acquire, construct and operate mass rapid transit systems; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the system to the uses and purposes set forth herein; and to repeal the "Los Angeles Metropolitan Transit Authority Act," Chapter 1668 of the Statutes of 1951.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

CHAPTER 1. POLICY: TITLE OF ACT

SEC. 1.1. It is hereby declared to be the policy of the State of California to develop mass rapid transit systems in the

various metropolitan areas within the State for the benefit of the people. A necessity exists within Los Angeles County (hereinafter sometimes called "metropolitan area") for such a system. Because of the numerous separate municipal corporations and unincorporated populated areas in the metropolitan area hereinbefore described, only a specially created authority can operate effectively in said metropolitan area. Because of the unique problem presented by that metropolitan area and the facts and circumstances relative to the establishment of a mass rapid transit system therein, the adoption of a special act and the creation of a special authority is required.

SEC. 1.2. This act shall be known and cited as the "Los Angeles Metropolitan Transit Authority Act of 1957."

CHAPTER 2. DEFINITIONS

SEC. 2.1. When the terms defined in this chapter are used in this act, they have the meanings ascribed to them in this chapter unless the context of this act expressly provides to the contrary.

SEC. 2.2. "Authority" means the Los Angeles Metropolitan Transit Authority created by this act.

SEC. 2.3. "Bonds" means the written evidence of any obligation incurred by the authority payable out of revenues as provided in this act in order to secure funds with which to carry out the purposes of this act irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority.

SEC. 2.4. "Indenture" means an agreement entered into by the authority pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument.

SEC. 2.5. The term "bondholder" or "holder of bonds" or any similar term means any person who shall be the bearer of any outstanding revenue bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding revenue bond or bonds which shall at the time be registered other than to bearer.

SEC. 2.6. "Metropolitan area" means the area described in the second sentence of Section 1.1 of this act.

SEC 2.7. "Mass rapid transit" means transportation of passengers, mail and hand baggage by means of motor bus, trolley coach, street railway, rail, suspended overhead rail, elevated railway, subway, or any other surface, overhead or underground transportation or any combination thereof.

SEC. 2.8. "System" means all real and personal property of every kind and nature whatsoever owned or held at any time by the authority for mass rapid transit, including (without limiting the generality of the foregoing) rights of way, rail lines, bus lines, stations, platforms, terminals, structures, rolling stock, equipment, and facilities (including parking and

other facilities necessary or convenient for access of persons and vehicles to stations, terminals, yards, control houses, cars, busses, signals and stations).

"Existing system" means all real and personal property of every kind and nature whatsoever, owned or held by any person other than the authority for mass rapid transit, including (without limiting the generality of the foregoing) licenses, franchises, patents, rights and interests.

SEC. 2.9. "Revenues" means all rates, fares, tolls, rentals or other income and revenue actually received or receivable by or for the account of the authority from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

SEC. 2.10. "Governor" means the Governor of the State of California

SEC. 2.11. The term "person" as used in this act includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof, but does not include any department or agency of this State or any public corporation, as defined in this act.

SEC. 2.12. The term "public corporation" as used in this act means any county, city and county, city, town, municipal corporation, district of any kind or class, authority, or political subdivision of this State.

SEC. 2.13. As used in this act:

(a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

CHAPTER 3. CREATION AND ORGANIZATION OF AUTHORITY

SEC. 3.1. There is hereby created the "Los Angeles Metropolitan Transit Authority."

SEC 3.2. The authority is a public corporation of the State of California. The authority is not a "state agency" as defined by Section 11000 of the Government Code. The powers of the authority are those granted by this act, and the powers granted by this act are not restricted or qualified by Title 2 of the Government Code. Without limiting the generality of the foregoing, the provisions of Chapter 3 (commencing at Section 13290) of Part 3 of Division 3 of Title 2 of the Government Code shall not be applicable to the authority.

SEC 3.3. The territorial limits of the authority shall not be diminished or decreased so long as any bonds issued under this act are outstanding and unpaid. Bonds shall not be deemed outstanding within the meaning of this section if moneys suffi-

cient to pay the same and all interest thereon have been set aside irrevocably in a special or trust fund for that purpose and the indenture under which such bonds were issued provides that such bonds shall not be deemed to be outstanding in such event.

SEC. 3.4. The authority is composed of seven members who shall be appointed by the Governor.

The seven members of the Los Angeles Metropolitan Transit Authority in office at the time this act takes effect shall continue in office under this act for the remainder of their terms and until their successors have been appointed and qualified.

Each member shall serve during the period of his appointment for the term for which he is appointed and until his successor has been appointed and qualified. The terms of all members, following the term of initial appointment, shall be to serve for a full term of four years. Any member appointed to serve in lieu of any member on account of death, resignation or disability of such member, shall serve only for the unexpired term of such member.

SEC. 3.5. Each member of the authority shall be, and shall hold office only so long as he is, a resident of and registered voter in Los Angeles County. Each member of the authority shall be paid the sum of fifty dollars ($50) for each meeting attended, but not to exceed two hundred dollars ($200) in any calendar month, and shall be reimbursed for actual necessary traveling and other expenses incurred by him in the performance of his duties, payable exclusively out of the funds of the authority available therefor. No member of the authority shall be allowed any other fees, perquisites or emoluments, reward or compensation for his services as a member of the authority.

SEC. 3.6. (a) The authority shall appoint a chairman, who shall be a member of the authority, and shall also appoint a secretary and a treasurer. The authority may also appoint a vice chairman from its members, said vice chairman to act as chairman in the absence or inability of the chairman. The secretary may be a member of the authority. The treasurer shall not be a member of the authority. The authority may appoint an executive director, who may be a member of the authority, and who shall be a man of recognized ability and experience, to hold office during the pleasure of the authority. Subject to the general control of the authority, to the requirements and restrictions of any indenture under which bonds are at any time outstanding, and to the provisions of any contract for superintendence authorized by subdivision (b) of Section 3.6, the executive director shall have management of the properties and business of the authority and the employees thereof, shall direct the enforcement of all resolutions, rules and regulations of the authority, and shall perform such other duties as may be prescribed from time to time by the authority. The authority may appoint a general attorney and a chief engineer, and shall appoint or provide for the appointment of other officers, attorneys, engineers, consultants, agents and employees

as may be necessary for any purpose of the authority, including, but not limited to, engineering and other studies and the acquisition, construction, extension, operation, maintenance, and policing of the system, and may contract with any thereof and with the executive director, but no such contract shall be for a term of longer than 10 years. It shall define their duties and require bonds of such of them as the authority may designate. The compensation of the executive director, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be fixed by the authority, and such compensation shall be paid out of funds of the authority available for that purpose. The authority may employ a fiscal agent or adviser and may retain the services of such agents as may be deemed advisable to assist in the sale and distribution of the authority's bonds or the underwriting thereof. The consent of the Department of Finance shall not be required in carrying out the provisions of this Section 3.6.

(b) The authority may to the extent permitted by the Constitution of the State of California, make a contract for superintendence with any corporation (sometimes in this act referred to as the superintending corporation) which has executive personnel with experience and skill applicable to the superintendence of the operation and maintenance of any part of the system for the furnishing of its services and the services of experienced and qualified personnel for the superintendence of the operation and maintenance of the system or any part thereof, including, without limiting the generality of the foregoing, superintendence over personnel, purchases, properties and operations and matters relating thereto, and any revenue bond indenture may require such contract. The personnel whose services are so furnished under such contract shall not include the executive director or general attorney. No such contract shall extend beyond the term of 10 years or such longer time as there are outstanding any revenue bonds under an indenture which requires such contract. In any such contract with a corporation for superintending services, the duties of such corporation shall be designated. Neither such contract, nor the corporation which is a party thereto with respect to its rights and duties thereunder, shall be subject to control or regulation by the Public Utilities Commission or by any political subdivision of the State of California other than by the authority as provided in such contract.

(c) Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. Notwithstanding any other provision of this act, whenever a majority of the employees employed by the authority in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the authority, upon determining as provided in subdivision (d) of this section that such labor

organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the authority and the labor organization, upon the agreement of both, the authority and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the authority, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the authority shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the authority have stricken four names, shall be designated as the arbitrator. The labor organization and the authority shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the Government by force or violence. The authority shall not discriminate in regard to employment against any person because of his race, creed, or color.

(d) If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit or units appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, including but not limited to the self-determination rights accorded crafts or classes in the Labor Management Relations Act, 1947, and the Railway Labor Act.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(e) Whenever the authority acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the authority shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the authority without examination, subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employees of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The authority may extend the benefits of this section to officers or supervisory employees of the acquired utility.

(f) The authority shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the authority dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, nor substitute any type of equipment on any system or part thereof for the then existing equipment, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provision for any employees who are or may be displaced, or whose wages, hours, place, or conditions of employment are or may be adversely affected. The terms and conditions of such provisions shall be a proper subject of collective bargaining with the labor organizations that represent such employees. In the event that at the time the authority acquires a system or part thereof, and former or furloughed employees of such system are at that time entitled to protection under a collective bargaining agreement or an order of the Public Utilities Commission or other public agency, the authority shall provide for the continuation of such protection for the period of the agreement or order.

SEC. 3.7. The treasurer shall execute a bond with corporate sureties to be approved by the authority. The bond shall be payable to the authority in whatever penal sum may be directed by the authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by him according to law and the orders of the authority. The authority may, at any time, require a new bond from the treasurer in such penal sum as may then be determined by the authority. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any national or state bank wherein the treasurer has deposited funds if the bank has been approved by the authority as a depositary for such funds. All funds deposited by the treasurer in any bank shall be placed in the name of the authority, shall be secured as provided in Section 4.18 of this act, and shall be withdrawn or paid out only by check or draft upon the bank, signed by such officer or officers, or employee or employees, as may be designated by the authority; provided, however, that revenue bonds of the authority may be paid in the manner provided in the bond indenture. The authority may establish separate funds, trust funds, sinking funds, reserve funds and any other fund or funds deemed necessary or convenient and may provide for the uses thereof and the methods of making payments therefrom, and may make covenants in any revenue bond indenture relating to any such fund or funds. In case any officer or employee whose signature appears upon any check ceases to hold his office after so signing, but before the delivery thereof to the payee or presentation thereof for payment, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office or employment until delivery thereof.

SEC. 3.8. A majority of the members of the authority constitute a quorum for the transaction of business and, subject to the next sentence, may act for the authority. All action of the authority shall be by a majority vote of its members, except as otherwise provided in this act, and except that any indenture under which revenue bonds of the authority are issued and outstanding may provide that certain acts of the authority shall require a vote of two-thirds of the full number of the members thereof and in such cases such two-thirds vote shall be required.

SEC. 3.9. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt and may act without a meeting by an instrument in writing signed by all members of the authority. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs

SEC. 3.10. The authority shall maintain an office in the City of Los Angeles, Los Angeles County, State of California.

SEC. 3.11. The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal by printed or lithographed facsimile thereof. Any

executed instrument bearing the seal of the authority shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority.

In the operation of transit facilities, the authority, and any corporation, association, or individual acting for the authority, shall adopt and comply with safety regulations prescribed by the Public Utilities Commission applicable to comparable street railway and bus systems.

CHAPTER 4. GENERAL POWERS

SEC. 4.1. The authority has perpetual succession.

SEC. 4.2. The authority may sue and be sued in all courts of competent jurisdiction.

SEC. 4.3. The authority may acquire by grant, purchase, gift, devise or lease, and may hold, use, sell, lease or dispose of, real and personal property of every kind and nature whatsoever, licenses, patents, rights and interests necessary for the full exercise, or convenient or useful for the carrying on of, any of its powers pursuant to the provisions of this act.

SEC. 4.4. The authority shall have power to acquire, construct, complete, develop, own, operate and maintain the system; including power to acquire by purchase, lease, gift or otherwise all or any part of any patents, licenses, rights, interests, engineering studies, data or reports owned or held by any person and determined by the authority to be necessary, convenient or useful to the authority in connection with the acquisition, construction, completion, development, ownership, operation or maintenance of the system.

SEC. 4.5. The authority shall have power to enter into agreements for the joint use of any property and rights by the authority and any public utility operating any transportation facilities; to enter into agreements with any public utility operating any transportation facilities either within or without the metropolitan area for the joint use of any property of the authority or public utility, or the establishment of through routes, joint fares and transfer of passengers.

SEC. 4.6. The authority may exercise the right of eminent domain for the condemnation of real or personal property or any right or interest therein for its use within the metropolitan area, including the power to acquire real property in fee simple or any lesser estate or interest for rights of way or other uses of the authority. No publicly owned property shall be taken, or condemnation proceedings instituted therefor, without the consent of the public agency or public corporation owning or controlling such publicly owned property, nor shall any privately owned public utility be taken or condemned without consent of such utility. Sections 1401 to 1421, inclusive, of the Public Utilities Code shall not apply to any such condemnation of property of a privately owned public utility with the consent of such public utility at a price agreed to

between the authority and such public utility, and the Public Utilities Commission of the State of California shall have no jurisdiction with respect thereto. The consent of the Department of Finance shall not be required in carrying out the provisions of this section.

SEC. 4.7. Proceedings of eminent domain brought by the authority shall be governed by provisions of the Code of Civil Procedure relating to eminent domain, insofar as such provisions are not inconsistent with this act. The authority shall not commence any such proceedings unless it first adopts a resolution declaring that public interest and necessity require acquisition by the authority of the property or interest therein, described in the resolution, and that such acquisition is necessary and proper for the extension, improvement, or development of the authority.

The resolution of the authority shall be conclusive evidence of the public necessity of such proposed acquisition, and that such real or personal property or interest therein is necessary therefor, and that such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

SEC. 4.8. Whenever the authority acquires any existing system or portion thereof (whether motor busses, trolley coaches, street cars or other types of mass transit) it may continue to maintain and operate such system or portion thereof in, upon and across any and all streets, highways, freeways and other public places upon which such system or portion, as the case may be, was operated at the time the same was acquired by the authority. The authority shall not construct (excluding, however, any repair or reconstruction of the structure of any existing system acquired by the authority) any subways, elevated railways, overhead suspended transit, or any other structures constituting a method of mass rapid transit in, upon, over, under or across public streets, highways, freeways and other public places without the consent of the city, county, or State having jurisdiction over such street, highway, freeway, or other public place. The authority may operate motor bus lines, and motor busses upon any public streets, highways, ways or freeways, and, subject to the requirements of the last preceding sentence with respect to new structures, may operate any other method of mass rapid transit in, upon, over, under or across public streets, highways, freeways and other public places.

SEC. 4.9. The authority may fix rates, fares, tolls, charges, rents or other charges for the use of the system acquired, constructed, operated or maintained by the authority and may alter, change or modify the same, all subject to the covenants in any revenue bond indenture pursuant to which revenue bonds have been issued and are outstanding which contains covenants entered into by the authority with respect to the fixing of such rates, fares, tolls, charges and rents.

SEC. 4 10. The authority may enter into covenants to fix and to maintain rates, fares or charges sufficient at least to pay expenses of maintenance, operation and administration and to service the outstanding bonds and other obligations of the authority, if any, including but not limited to any amounts required for reserve, sinking or other special funds provided in the indenture; and it may also enter into covenants to increase rates, fares or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any bonds or other obligations of the authority.

SEC. 4.11. The authority may contract with any department or agency of the United States of America or of the State of California or with any public corporation upon such terms and conditions as the authority finds is for the authority's best interests.

SEC. 4.12. The authority may contract with any department or agency of the United States of America or of the State of California or with any public corporation for the employment of qualified experts then in the employ of such governmental agencies for the creation of a master plan of the metropolitan area covering such studies as will serve to advise and guide the authority in the development of integrated mass rapid transit. Payment for such contract shall be made by the authority out of any funds available, including the proceeds of revenue bonds hereafter issued.

SEC. 4.13. The authority may make contracts, leases and agreements with any department or agency of the United States of America or of the State of California or with any person or public corporation and may generally perform all acts necessary for the full excercise of the powers vested in it. The authority may acquire rolling stock or other property under conditional sales contracts, leases, equipment trust certificates, or any other form of contracts, leases, equipment trust certificates, or any other form of contract or trust agreement. Contracts may be let by an officer or employee of the authority or by the superintending corporation in such manner as may be authorized from time to time by the authority. Any revenue bond indenture may provide limitations upon the exercise of the powers stated in this section and such limitations shall apply so long as any of the revenue bonds issued pursuant to such indenture are outstanding and unpaid.

SEC. 4.14. The authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after the purposes for which they are acquired have been fully satisfied or modified. It may sell, lease or otherwise dispose of, at any time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act. Any revenue bond indenture may provide limitations upon the exercise of the powers stated in this section, and such limitations shall apply so long as any of the revenue bonds issued pursuant to such indenture are outstanding and unpaid.

SEC. 4.15. The authority shall have power to apply for and accept grants and loans from any department or agency of the United States of America to be used for any of the purposes of the authority and to enter into any agreement with such department or agency in relation to such grants or loans; provided, that such agreement does not conflict with any of the provisions of any resolution securing the payment of bonds of the authority.

SEC. 4.16. The authority shall by resolution make all rules and regulations governing the use, operation and maintenance of the system and shall determine all routings and change the same whenever it is deemed advisable by the authority; provided, however, that any revenue bond indenture may place limitations and conditions upon the exercise of such powers or any thereof.

SEC. 4.17. The authority shall have power to lease the system or any part thereof to, or contract for the use of the system or any part thereof by, any operator; provided, however, that any revenue bond indenture may prohibit, limit or restrict the exercise of such power.

SEC. 4.18. The authority shall have power to deposit any moneys of the authority, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund created by any indenture or any surplus in the treasury of the authority not required for its immediate needs, in accordance with the general laws of the State of California relating to investments of county funds

SEC. 4.19. The authority shall not have power to levy taxes for any purpose whatsoever.

SEC. 4 20. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this act.

SEC. 4.21. One of the purposes of this act is to coordinate any operations of the authority with the operations of any then existing system, and no other section of this act shall relieve the authority from the limitations, obligations and requirements of this section. If the authority proposes, and shall then be ready, able and willing, to establish, construct, complete, acquire, operate, extend or reroute (all of the foregoing being hereinafter referred to by the word "establish" in all forms thereof), directly or indirectly, either itself or by lease or contract with any other person or persons or otherwise, any mass rapid transit service or system in such manner or form as will or may, either then or at any time in the future, divert, lessen or compete for the patronage or revenues of the existing system of a publicly or privately owned public utility

(excluding any subsequent extension or rerouting of the latter) situated entirely within the metropolitan area, or seventy-five percent (75%) of whose revenue vehicle miles for the preceding calendar year are operated within the metropolitan area, then the authority shall give to each such public utility prior written notice of the proposed establishment of such service or system in sufficient detail to fully apprise such public utility of the form, nature and extent thereof and (subject to the restrictions of this section) of the time within which the authority intends to establish such service.

Until 120 days after receipt of such notice by each such public utility, the authority shall not establish any such proposed service or system. At any time after receipt of such notice, or if the authority without giving such notice establishes any such proposed service or system in violation of this section then at any time after establishment of such service or system, and in either event until the expiration of 120 days after the receipt of such a notice, each such public utility shall have the option, in its sole discretion to be exercised by written notice to the authority, (i) to require the authority to purchase that portion of the existing system of such public utility (as designated in such written notice) the patronage or revenue from which will or may be diverted, lessened, or competed for by the establishment of the proposed service or system by the authority, or (ii) to require the authority to purchase all of the existing system of such public utility.

If such public utility elects the relief described under clause (i) or (ii) above, then unless within ninety (90) days after receiving written notice of such election the authority gives such public utility notice in writing that it has abandoned any intention to establish the proposed service or system of which it gave notice and has abandoned any such service or system which it established without giving such notice in violation of this section, the authority shall be obligated to such public utility for the relief so elected and the authority shall not establish the proposed service or system until it has completed the purchase of all or part of the existing system of such public utility in accordance with such election. The purchase price to be paid for such existing system (intending thereby only a portion of the existing system when the election has been to sell only such portion) shall be the reproduction cost new (including going concern value) of such existing system at the date of the giving of the notice of election, less depreciation (including wear and tear and obsolescence, if any) to date of transfer or to the one hundred eightieth day after the giving of the notice of election whichever date occurs earlier; but in no event less than the average annual gross revenue for the preceding three calendar years of such existing system. In the event that such public utility has elected relief under clause (i) above, it shall be entitled as a part of such price to severance damages for the loss of value of the unsold portion of the existing system of such public utility; and in the event

such public utility has elected relief under clause (ii) above, the authority shall assume all payments becoming due after the date of purchase on all contracts and obligations of such public utility which payments if made by such a public utility would be includible as expenses of operation subsequent to the date of transfer to the authority under the system of accounting prescribed by the Public Utilities Commission or which payments are pursuant to contracts for delivery of assets by third persons or for the making or completion of additions or improvements subsequent to said date of transfer. In the event that the authority purchases such existing system from such public utility pursuant to an election by the latter under either clause (i) or (ii) above, the authority shall indemnify and save and hold such public utility harmless from all payments included in the preceding sentence and from any franchise or contract liabilities to any public corporation which mature or accrue after such purchase and which were incurred in connection with such existing system so purchased and the portions of the mass rapid transit service formerly served with such existing system. The authority may at any time enter into an agreement with each such public utility as to the amount of such price.

Unless the authority and such public utility have agreed upon the amount of the price required to be paid hereunder, or unless they have agreed that the amount of such price shall be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration, the amount of such price may be fixed and judgment entered thereon in a suit brought either by the public utility or by the authority in the superior court of the State of California in and for the county in which is located that portion of the existing system to be acquired by the authority from such public utility which is largest in value.

Any public utility whose patronage or revenues are diverted, lessened or competed for by any act of the authority which is in violation of this section shall be entitled to injunctive relief against the authority to stop such violation.

The maintenance and operation, but not the extension or rerouting, of any existing system acquired by the authority from a publicly or privately owned public utility shall not be deemed to be the establishment of a mass rapid transit service or system within the meaning of this section.

Section 851 of the Public Utilities Code shall not apply to any contract for sale or sale of an existing system or portion thereof or other action taken pursuant to this section, and the Public Utilities Commission of the State of California shall have no jurisdiction with respect thereto.

Notwithstanding any provision of this act, to the contrary, the authority shall not, either directly or indirectly, either itself or by lease or by contract with any person or persons or otherwise, establish any mass rapid transit service or system in such manner or form as will or may, either then or at any

time in the future, divert, lessen or compete for the patronage or revenues of any publicly owned system unless and until it has complied with the following procedure and receive the consent of the public corporation concerned, in the following manner:

The authority shall submit to the legislative body in charge of the publicly owned system a written detailed statement covering the proposed plan affecting the publicly owned system. Thereafter, the public corporation concerned shall hold a public hearing before the legislative body thereof on the proposal submitted, and such legislative body shall take such action as in its judgment will be in the public interest. If the proposal calls for the sale of the entire system or any portion thereof, the legislative body shall submit such proposal to a vote of the electors of the public corporation owning such transportation system. If such question is submitted to the electors and they decline to consent, the authority shall not proceed and shall not locate any new route into the area served by the publicly owned system. Should consent to the proposal submitted by the authority be granted by the legislative body of the public corporation, or if the proposal involves the sale of such publicly owned system or any portion thereof and the electors consent to such sale, then the authority shall proceed in the same manner as provided in this section for the acquisition of privately owned public utilities.

SEC. 4.22. Whenever the authority acquires an existing privately owned system or portion thereof, the authority may pay to each public corporation to which property taxes or franchise payments have been paid by the public utility, the property of which is acquired, a payment in lieu of taxes or franchise payments in an amount not to exceed that theretofore paid by the public utility with respect to the property which has been acquired. The amount or amounts of such payments or method of computing such amount or amounts, the time or times of payment, and the source or sources thereof may be fixed by agreement between the authority and any public corporation, but no such agreement shall be for a term of more than twenty-five (25) years.

SEC. 4.23. Whenever it is claimed that a person has been injured or any property damaged as a result of the negligence or carelessness of the authority or of any of its officers or employees or agents occurring during the course of their service or agency, a verified written claim by the claimant himself or by his agent or by his attorney for damages shall be filed with the secretary of the authority within 180 days after the accident occurred. The claim shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received. No civil action shall be commenced against the authority or any officer or any employee or agent thereof, upon any claim for which a verified claim is required to be filed by this section, unless such verified

claim has been filed in the manner and within the time provided in this section.

SEC. 4.24. The authority may provide for a civil service or retirement system or both, for any or all employees and may provide for the hiring of employees under such a system as may be necessary to carry out the powers of the authority.

SEC. 4.25. The authority may acquire for cash or by exchange of its bonds any publicly or privately owned bus lines, within or without the metropolitan area, which may be integrated as feeder services with the system of the authority.

CHAPTER 5. REVENUE BONDS

SEC. 5.1. The authority may issue revenue bonds for the acquisition, construction or completion of the system or any part thereof, and such revenue bond issue may also include payment for the incidental expenses (legal, engineering, fiscal and other) connected with issuing and disposing of the bonds and an amount for financing or the creation of an operating fund and all incidental expenses connected with the acquisition, construction or completion of the system or any part thereof or for reimbursement of advances to or by the authority for such purposes or for working capital. The total amount of revenue bonds that may be issued by the authority shall not be limited as to aggregate principal amount, except as the authority may provide in any resolutions or indenture relating to the issue of any revenue bonds hereunder.

SEC. 5.2. The purpose, nature and extent of each separate improvement comprising a part of the system shall be described in general terms prior to the issuance of any bonds.

SEC. 5.3. The validity of the authorization and issuance of any revenue bonds by the authority is not dependent on nor affected in any way except to the extent included in the bond indentures by:

(a) Proceedings taken by the authority for the acquisition, construction or completion of the system or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of the system or any part thereof.

(c) The failure to complete any part of the system for which bonds are authorized to be issued.

SEC. 5.4. The authority shall issue revenue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of any county or city or the State of California. All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of any county or city or the State.

SEC. 5.5. The authority shall determine the time, form and manner of the issuance of revenue bonds.

SEC. 5.6. The authority may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC 5.7. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 5.8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

SEC. 5.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to continuously operate the system acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

SEC. 5 10. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make all needful and necessary repairs, renewals and replacements to the system and to keep it at all times in good repair, working order and condition.

SEC. 5.11. An indenture may include a clause relating to the bonds issued hereunder requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC. 5.12. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 5.13. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of any part

of the system acquired in whole or in part in exchange for the issuance of the bonds or constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of the system, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 5.14. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rates, fares, tolls, rentals or other charges in connection with the services and facilities furnished from the system or any part thereof, acquired, constructed or purchased from part or all of the proceeds of the bonds, at least sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the system, and with such additional sums as may be required for any sinking fund, reserve fund, or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement.

SEC. 5.15. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

SEC. 5.16. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing or completing of the system or any part thereof.

SEC. 5.17. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing the system or any part thereof.

SEC. 5.18. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on the system, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected. Such insurance may include fire, casualty, fidelity, public liability, property damage, or any other type or kind of insurance deemed desirable by the authority.

SEC. 5.19. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the authority, then or thereafter issued, may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 5.20. An indenture may include a clause designating the rights, limitations, power and duties arising upon breach

by the authority of any of the covenants, conditions or obligations contained in any indenture.

SEC. 5.21. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department or agency of the State of California, or by any public corporation, shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 5.22. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

SEC. 5.23. The authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 5.24. The authority shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC. 5.25. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may

provide for successive issues or may provide for one maximum issue.

SEC. 5.26. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

SEC. 5.27. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and part semiannually. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.

SEC. 5.28. Bonds may be callable upon such terms, conditions, and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

SEC. 5.29. The authority may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States of America.

SEC. 5.30. The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

SEC. 5.31. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 5.32. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values. All bonds issued and sold pursuant to this act

shall be sold on sealed proposals to the highest bidder, including a fiscal agent or adviser or other agent referred to in Section 3 6(a) of this act, either bidding alone or in conjunction with others, after advertising for bids by publication of notice of sale once, not less than ten (10) days prior to the date of sale, in a newspaper of general circulation printed and published in the County of Los Angeles. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder, including a fiscal agent or adviser or other agent referred to in Section 3.6(a) of this act, either bidding alone or in conjunction with others, under such terms and conditions as it deems most advantageous to its own interests, but the bonds shall not be sold at a price below that of the highest bid which was rejected. The authority may contract loans and borrow money through the sale of bonds to the United States of America or any of its departments or agencies, upon such terms and conditions as may be agreed to and such bonds shall be subject to all other provisions of this act, except the requirement that bonds be sold on sealed proposals to the highest bidder after advertising for bids. In the event the authority desires to issue its revenue bonds in exchange for an existing system or portion thereof, it may exchange such bonds for the existing system or portion thereof or for the existing system or portion thereof plus an additional amount of cash without advertising such bonds for sale.

SEC. 5.33. The authority may provide for the security of bonds. The authority may also provide for the payment of bonds out of any appropriations or other funds contributed to the authority by the State of California, the United States of America, or by any department or agency of either thereof. However, nothing in this act shall obligate the State of California to make any appropriation for that purpose.

SEC. 5.34. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of the system or any part thereof for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 5.35. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of the system or any part thereof acquired, constructed or completed from the proceeds of such bonds as may be provided for in the indenture.

SEC. 5 36. Pending the actual issuance or delivery of revenue bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

SEC. 5 37. All bonds, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

SEC. 5.38. The authority may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the authority. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

SEC. 5.39. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 5.40. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 5.41. The bonds issued under this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Act as such act reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as is provided in the California Districts Securities Commission Act.

SEC. 5.42. Prior to the issuance of any bonds, the authority may commence in the Superior Court of the State of California, in and for the County of Los Angeles, a special proceeding to determine the right to issue the bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Sections 22670 to 22684, inclusive, of the California Water Code, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment

rendered therein is conclusive against all persons whomsoever and against the State of California.

CHAPTER 6. ACQUISITION, CONSTRUCTION AND COMPLETION OF SYSTEM

SEC. 6 1 Whenever in the judgment of the authority it is advisable that the system or any part thereof be acquired, constructed or completed, in whole or in part, it shall cause a report thereon to be made which shall include:

(a) An estimate of the probable cost of the acquisition, construction and completion, including all incidental expenses, engineering, legal and administrative, during construction;

(b) An estimate of the probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

The expense of the preparation of such report shall be paid by the authority out of any funds available, including the proceeds of revenue bonds thereafter issued.

SEC. 6 2. If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction, or completion of the system or part thereof, authorizing such acquisition, construction, or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose.

SEC. 6.3. The authority has full charge of the acquisition, construction and completion of the system or any part thereof authorized by it and may proceed with such work forthwith.

SEC. 6.4. The authority may construct the system or any part thereof and acquire all property necessary therefor on such terms and conditions as it deems advisable. The authority, without awarding a contract for the construction of the system or any part thereof, may do the work directly and may purchase materials, hire labor and do all other things necessary for the doing of the work When any part of the work is to be done or performed by any department or agency of the United States of America or the State of California or any public corporation jointly or in conjunction with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the department or agency or public corporation to be expended by it in the acquisition, construction or completion of the system or any part thereof. Construction contracts entered into by the authority shall not be subject to the provisions of the State Contract Act and shall be governed solely by the provisions of this act, except that the provisions of Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code are hereby expressly made applicable to the system or any part thereof under this act.

Any such contracts may be entered into in such manner and upon such terms as the authority deems advisable.

SEC. 6 5. Title to all property acquired by the authority, and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal or any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. The management, operation and control of the system and of every part thereof, acquired, constructed or completed by the authority shall be vested in the authority and the powers, rights, functions and duties of the authority with respect thereto shall not be interfered with; provided, however, that any revenue bond indenture may require a contract with a superintending corporation and may provide for certain powers of superintendence and operation to be exercised by the superintending corporation, and may require that action on certain matters by the authority be by a two-thirds vote of the full number of the members thereof.

SEC. 6.6. The authority may use for the payment of the acquisition and construction or completion of the system or any part thereof any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this act or the proceeds of revenue bonds issued and sold by the authority.

SEC. 6.7. The authority may insure against any accident to or destruction of the system or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the system or any part thereof damaged, injured or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding unredeemed, as may be agreed upon by the authority in the resolution authorizing the issuance of the bonds.

SEC. 6.8. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

SEC. 6.9. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

SEC. 6.10. The authority may enter into a contract with the owner of an existing system for the purchase by the authority of such existing system or any portion thereof and may purchase such system or portion thereof substantially in accordance with the terms of such contract. In the report required by Section 6 1 in connection with such purchase, new studies and findings need not be made by the authority as to any subject matter which appears as a public record of the

Public Utilities Commission, which subject matter may be incorporated in the report by reference. The authority may exchange its revenue bonds for such existing system (meaning, wherever used in this section, either an existing system, or any portion thereof, as the case may be) or for such existing system plus additional cash. In consideration, in whole or part, for such existing system, or for such existing system plus additional cash, the authority may issue its revenue bonds and it may undertake such obligations as are provided by the indenture in respect thereof, and it may assume any or all contracts, obligations, indebtedness and liabilities of such existing system or the owner thereof. In connection with the purchase of an existing system or portion thereof from a privately operated public utility, the authority may indemnify and save and hold harmless the seller and its predecessors in interest and the officers, directors, stockholders, employees and agents of any of them, past, present and future, and each of them, from and against any obligation, liability, loss, cost, damage, forfeiture and expense which may be incurred or suffered by or asserted against, or the performance or payments of which becomes due from, the seller or any of such other persons under or in connection with any franchise which is owned, enjoyed or held by the seller at the time of the transfer of the existing system or portion of system to the authority and was employed by the seller in furnishing transit service with the system or portion of the system so transferred; provided, such obligation, liability, loss, cost, damage, forfeiture or expense is incurred or suffered or asserted, or the performance or payment thereof becomes due either by reason of or in connection with the transfer of the system or portion of the system to the authority or by reason of or in connection with any matter, time, action, omission, violation, election, demand, transaction or event subsequent to such transfer. Section 851 of the Public Utilities Code shall not apply to such contract, or to any sale of assets or other action taken pursuant to such contract, and the Public Utilities Commission of the State of California shall have no jurisdiction with respect thereto.

SEC. 6.11. The authority shall not discontinue or abandon transit services on any route of a publicly or privately owned public utility acquired by the authority except upon substitution by the authority of equal services, without cost to the taxpayer.

SEC. 6.12. The governing body of any public corporation within the metropolitan area may petition the authority by resolution for an extension of mass rapid transit service, and the authority shall provide for a public hearing to consider such petition.

Upon conclusion of the public hearing, the authority shall make economic engineering studies concerning such extension of mass rapid transit services; and if such extension is shown to be economically feasible, the authority shall proceed to engi-

neer, finance, construct, and operate such mass rapid transit services.

Chapter 7. Rates, Fares, Tolls, Charges and Fees

Sec. 7.1. The authority shall fix the rates, fares, tolls and other charges for all transportation facilities comprising the system or any part thereof acquired, constructed or completed under the terms of this act, for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this act, the authority is authorized to change such rates, fares, tolls and charges from time to time as conditions warrant. All rates, fares, tolls and charges shall be at all times fixed to yield annual revenue at least equal to annual operating and maintenance expenses, including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding hereunder, as the same become due, and all sums required for sinking funds, reserve funds or other trust funds, or otherwise required to comply with the provisions of any covenant in the revenue bond indenture or indentures pursuant to which such revenue bonds have been issued. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such rates, fares, tolls and charges and other revenues and interest thereon, and sinking funds created therefrom, received from the use and operation of the system; and all such rates, fares, tolls, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and, except as and to the extent provided in any indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the system, shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The authority may provide that the rates, fares, tolls and charges established are minimum rates, fares, tolls and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds are issued.

Chapter 8. Rights of Bondholders

Sec. 8.1. The holder of any bond issued pursuant to this act may for the equal benefit and protection of all holders of bonds similarly situated (a) by mandamus or other appropriate proceedings, require and compel the performance of any of the duties imposed upon the authority or assumed by it, its officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the system, or the collection, deposit, investment, application and disbursement of rates, fares, tolls

or charges and all other revenues derived from the operation and use of the system or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this act; (b) by action or suit in equity, require the authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds or apply for the appointment of a receiver of the system; or (c) by action or suit in equity, apply for the appointment of a receiver of the system and of the business and assets of the authority, if the authority is insolvent or in imminent danger of insolvency, or if in any other circumstances a receiver of the system may properly be appointed according to the usages of courts of equity. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this act.

Chapter 9. Contributions and Cooperation

Sec. 9.1. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any public corporation, subject to the provisions of Section 9.6.

Sec. 9.2. The authority may cooperate and contract with the United States of America under any act of Congress heretofore and hereafter enacted authorizing or permitting such cooperation The authority may enter into any contract, arrangement or agreement with, and may cooperate with any department or agency of the State of California or any public corporation for the development of the system.

Sec. 9.3. Subject to the provisions of Section 9.6, any department or agency of the State of California or any public corporation may cooperate and enter into contracts with the authority for the acquisition, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of the system. In connection with any such cooperation or contract, the State or any such public corporation may make public contributions to the authority as in the judgment of the Legislature, or the governing board of the public corporation, are necessary or proper for its undertaking, and the authority may reimburse the State or such public corporation for any such advance or contribution from the proceeds of the sale of revenue bonds or any other funds available to the authority. Any agreement made by the authority for such reimbursement of advances or contributions made to it shall be valid and enforceable against the authority. The State or any such public corporation may also authorize, aid and assist the authority to carry out any activity which the State or such public corporation is by law authorized to perform and carry out on its own behalf.

SEC. 9.4. The Department of Public Works or any public corporation may cooperate with the authority by granting by purchase, lease, license, franchise, permit, or otherwise the right to use public highways or highway rights of way, or any portions thereof, under their respective jurisdictions for purposes of mass rapid transit.

SEC. 9 5 It is the intent of the Legislature that the authority shall be supported from sources other than the State Treasury. The authority shall pay into the General Fund in the State Treasury an amount equal to the total of any funds heretofore appropriated and expended from that fund, from the money first available through the sale of revenue bonds.

SEC. 9 6. After revenue bonds have been issued by the authority pursuant to Chapter 6 of this act, no public corporation shall make public contributions to the authority by undertaking any obligation of the authority, purchasing or operating the system or any part thereof, or in any other manner expending public funds for the purposes of the authority, unless a proposition to do so has been approved by a majority of the registered voters residing within the boundaries of such public corporation voting at an election to consider such a proposition.

It is the intent of the Legislature that the authority acquire, construct, and complete the system, and operate and maintain the system, in such a manner that no public corporation shall, once revenue bonds of the authority are first issued or thereafter, be called upon to assist the authority, directly or indirectly, in the exercise of the powers granted herein by the levy or assessment of a tax or expenditure of tax money, or general obligation bonds, unless a majority (or, in the case of general obligation bonds, two-thirds) of the voters of such public corporation give their assent beforehand to extending such assistance to the authority.

CHAPTER 10. FUNDS

SEC. 10.1. The proceeds from the sale of all bonds authorized under the provisions of this act may be paid upon the direction of the authority either to the treasurer of the authority as custodian of the special trust fund, which fund is created by Section 10.2 hereof, to be held for the account of the authority, or may be paid direct to any bank or trust company designated as the fiscal agent and depositary of the authority, as in this act provided. In the event a part of the cash proceeds of the sale or exchange of bonds is to be used for operating funds of the authority, such proceeds or part thereof may be placed in any fund designated in the indenture pursuant to which the bonds are issued.

SEC. 10.2. There is hereby created a fund to be known as the "Los Angeles Metropolitan Transit Authority Construction Fund," in the event the proceeds of the sale of bonds authorized under this act shall be paid to the treasurer of the authority. Such construction fund shall at all times be kept

separate and apart from all other funds and shall be held by the treasurer as a special fund for the account of the authority. The moneys in the construction fund shall be paid out and disbursed solely for the construction of the system pursuant to the provisions of this act, including surveys, preparation or acquisition of plans and specifications, engineering reports and studies, patents, rights, licenses and interests, and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights of way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs as provided by the authority in the proceedings for the issuance of such bonds. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the construction fund.

SEC. 10.3. In the event the proceeds of the sale of bonds are deposited in a special construction fund in the custody of the treasurer, such moneys may be deposited as demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of county funds.

SEC 10.4. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the system or part thereof for which the revenue bonds were issued, the same may be paid out and disbursed for any of the purposes of the authority in addition to those for which it may be paid out and disbursed pursuant to Section 10.2 hereof, but subject to any agreement which may be made by the authority in any indenture for the issuance of the revenue bonds with respect to the application of such surplus.

SEC. 10.5. In lieu of depositing the proceeds of sale of said bonds with the treasurer, the authority may, in any indenture for the issuance of bonds, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such revenue bonds and to hold the same to the credit of a fund to be designated as the "Los Angeles Metropolitan Transit Authority Construction Fund," which fund shall be kept segregated and set apart from all other funds and shall be paid out and disbursed solely upon the application and demand of the authority.

SEC. 10.6. The authority may provide that the payment of interest becoming due and payable on the revenue bonds prior to and during the period of actual construction of the system or part thereof for which the bonds are issued, and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two (2) years after the completion of construction, and that the payment of all costs and expenses of administration during a period of one year after the completion of construction of the system or part thereof, shall be made out of the construction fund as the need therefor

shall arise, and any moneys in the construction fund are hereby made available for such purposes.

SEC. 10.7. Moneys in the construction fund, whether held by the treasurer or in any fiscal agency or depositary of the authority, not required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

SEC. 10.8. All revenues received from the operation of the system acquired or constructed or completed by the authority may be paid over by the authority either to the treasurer as custodian thereof or to any fiscal agent or depositary appointed by the authority.

SEC. 10.9. If the revenues are paid over by the authority to the treasurer, the same shall be held by the treasurer in a special fund and applied exclusively for the account of the authority. Said special fund is hereby designated "Los Angeles Metropolitan Transit Authority Revenue Fund." The moneys in the revenue fund shall be deposited by the treasurer in time or demand deposits in such depositary or depositaries as may be authorized by law to receive deposit of county funds, to the credit of the revenue fund, or may be invested in such bonds or obligations as are by law legal investments for county moneys, subject to such limitations and restrictions as may be provided in the resolution under which bonds of the authority are issued and outstanding. Any income or interest received upon such deposits or investments shall be added to the revenue fund and inure to the benefit of the authority. The moneys in the revenue fund shall be paid out and disbursed for the payment of the principal of and interest on all bonds issued by the authority under the provisions of this act, as and when such principal and interest shall become due, and for the creation of any reserve fund or other special fund provided by the authority in the proceedings for the issuance of said bonds, and also for the payment of all costs and expenses for the maintenance and operation of the system, engineering, legal and administrative costs and for all repairs and replacements and other costs and expenses of the authority. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the revenue fund.

SEC. 10.10. In lieu of deposit of the revenues received from the system with the treasurer, the authority may deposit all such revenues at any bank or trust company, appointed depositary or fiscal agent of the authority in the proceedings for the issuance of the bonds, and if such fiscal agent or depositary is so appointed, the authority shall provide for the collection of all revenues and for the receipt and disbursement thereof by the fiscal agent. The authority may, in its absolute

discretion fix the terms and conditions upon which the trustee or trustees or fiscal agent or depositary shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depositary in the indenture or other proceedings for the issuance of the bonds.

SEC. 10.11. Notwithstanding any of the foregoing provisions of this chapter, the revenue bond indenture may specify the fund or funds into which any part of the proceeds from the sale or exchange of the bonds shall be paid and the uses of such fund or funds. The revenues likewise may be payable into such fund or funds as may be provided in said indenture and shall be used only as authorized in said indenture.

CHAPTER 11. GENERAL AUTHORITY

SEC. 11.1. The authority and its officers and agents may perform such acts and enter into such agreements, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this act, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing the system or any part thereof acquired, constructed or completed under this act, for the safeguarding of funds and revenues required for the purposes of this act, and for the payment of the revenue bonds issued pursuant to this act.

SEC. 11.2. In the event economic engineering studies of the authority show public transit needs to exist in specific areas but that studies of feasibility do not show sufficient income to support the required financing by revenue bonds, then the authority in cooperation with public agencies within said area shall determine the boundaries of a transit district within the Los Angeles metropolitan area which requires such services and, through duly constituted powers of local agencies propose and support the creation of said transit district with powers provided by voters for the taxation of property and the financing of said district through general obligation bonds adequate to engineer, construct and operate such required system of transit. The said district may operate such facilities independently for the benefit of the people or, by contract or otherwise, may enter into agreement with the Los Angeles Metropolitan Transit Authority for coordinated operation of such facilities and the authority shall thereupon integrate the operations of such system with all its other transit operations to develop public transit services for the benefit of the people of the metropolitan area.

CHAPTER 12. CONSTRUCTION AND INTERPRETATION

SEC. 12.1. This act shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this act set forth.

SEC. 12.2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

SEC. 12.3. This act shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds or the creation of any other authority for any other purpose.

SEC. 12.4. The "Los Angeles Metropolitan Transit Authority Act of 1957," insofar as it is substantially the same as the "Los Angeles Metropolitan Transit Authority Act," Chapter 1668 of the Statutes of 1951, repealed upon the enactment of this act shall be construed as a restatement and continuation of the existing law and not as a new enactment nor shall anything in this act impair the existence, the validity, the rights, or the obligations of the Los Angeles Metropolitan Transit Authority created by the "Los Angeles Metropolitan Transit Authority Act," and all property, plans, obligations, contracts and undertakings of said Los Angeles Metropolitan Transit Authority shall, upon the effective date of this act, continue to be vested in the authority.

SEC. 12.5. No action or proceeding relating to or arising out of the "Los Angeles Metropolitan Transit Authority Act" repealed upon the enactment of this act commenced before the effective date of this act, and no right accrued, pursuant to the "Los Angeles Metropolitan Transit Authority Act," is affected by the provisions of this act, but any step thereafter taken in such action or proceeding shall conform to the provisions of this act so far as possible.

SEC. 12.6. All persons who, at the time this act goes into effect, are officers or employees operating under the "Los Angeles Metropolitan Transit Authority Act" repealed upon the enactment of this act shall continue to be officers or employees of the authority as though the "Los Angeles Metropolitan Transit Authority Act" had not been repealed.

CHAPTER 13. REPEAL OF THE "LOS ANGELES METROPOLITAN TRANSIT AUTHORITY ACT"

SEC. 13.1. The "Los Angeles Metropolitan Transit Authority Act," Chapter 1668 of the Statutes of 1951, is repealed.

CHAPTER 548

An act to add Section 735.5 to the Insurance Code, relating to the examination reports of insurers.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 735.5 is added to the Insurance Code, to read:

735.5. The hereinafter designated officer of each domestic insurer shall inform the members present at the next meeting of its governing body of the receipt from the office of the commissioner of the report of every examination of such insurer, both in the form first formally prepared by the examiners and in the form as finally settled and officially filed by the commissioner or a deputy designated by him. Such officer shall also inform such members that a copy of such report is available for inspection of any member of such governing body and that copies of the same are not being distributed because of the confidential character of the report as declared in Section 735. There shall be entered in the minutes of each such meeting the fact that such officer did so inform the members present.

The officer above referred to, in the case of a stock or mutual insurer, shall be its secretary or comparable officer if there is no secretary. This section shall specifically apply to reciprocals and interinsurance exchanges and in that case the officer above referred to shall be the principal individual, partner or officer of its attorney-in-fact, and "governing body" shall have reference to the body exercising the subscribers' rights provided for in Section 1308.

CHAPTER 549

An act to amend the heading of Article 1 (commencing at Section 10050), Chapter 2, Part 1, Division 4, and Sections 10002, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10080, 10150.6, and 10275.6 of, and to add Section 10002.5 to, the Business and Professions Code, relating to the Real Estate Board.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. The heading of Article 1 (commencing at Section 10050), Chapter 2, Part 1, Division 4, of the Business and Professions Code is amended to read:

Article 1. The Real Estate Commission

SEC. 2. Section 10002 of said code is amended to read:

"Commission" 10002. "Commission" refers to the Real Estate Commission.

SEC. 3. Section 10002.5 is added to said code, to read:

"Member" 10002.5. "Member" refers to a member of the Real Estate Commission.

SEC. 4. Section 10051 of said code is amended to read:

Real Estate Commission 10051. There is a Real Estate Commission which consists of the Real Estate Commissioner and six other members.

All members of the commission shall be appointed by the Governor.

SEC. 5. Section 10052 of said code is amended to read:

Term 10052. Members of the commission 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 of the commission in office when this section takes effect shall expire as follows: one member, January 15, 1944; two members, January 15, 1945; two members, January 15, 1946; and two members, including the Real Estate Commissioner, January 15, 1947.

The terms shall expire in the same relative order as to each member as the term for which he holds office before this section takes effect.

Vacancies from any cause shall be filled by the Governor for the unexpired term.

SEC. 6. Section 10053 of said code is amended to read:

Qualifications 10053. No person shall be appointed a member of the commission who has not been for five years a real estate broker actively engaged in business as such in California.

SEC. 7. Section 10054 of said code is amended to read:

Composition 10054. Three members of the commission shall be residents of the northern district of California, and three members shall be residents of the southern district of California. The commissioner shall be appointed at large. Not more than two members shall be appointed from any one county.

The northern district shall consist of all that portion of the State north of the northerly lines of the Counties of San Luis Obispo, Kern and San Bernardino, and the southern district shall consist of all that portion of the State south of the northerly lines of these three counties.

SEC. 8. Section 10055 of said code is amended to read:

Compensation 10055 Each member of the commission, except the commissioner, shall serve without compensation.

The commissioner shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, to be paid monthly out of the State Treasury upon a warrant of the Controller.

Each member shall be allowed his actual and necessary traveling expenses in the discharge of his duties.

SEC. 9. Section 10056 of said code is amended to read:

10056. The commission shall meet together for the transaction of business at least once each quarter-year, at such place in California as it may designate. It may meet more often upon five days' written notice of the time and place of meeting, signed by the commissioner or a majority of the members of the commission. Meetings

SEC. 10. Section 10057 of said code is amended to read:

10057. The commissioner shall be chairman of the commission. Chairman

SEC. 11. Section 10058 of said code is amended to read:

10058. A majority of the commission constitutes a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power or authority of the commission. Quorum

A vacancy on the commission does not impair the right of the remaining members to perform all the duties and exercise all the power and authority of the commission.

The act of the majority of the commission, when in session as a commission, is the act of the commission.

SEC. 12. Section 10059 of said code is amended to read:

10059. The commission may: Powers

(a) Inquire into the needs of the real estate licensees of California, the functions of the division and the matter of the business policy thereof.

(b) Confer and advise with the Governor and other state officers as to how the division may best serve the State and the real estate licensees of the division.

(c) Make such recommendations and suggestions of policy to the commissioner as the commission deems beneficial and proper for the welfare and progress of the real estate licensees and of the public and of the real estate business in California.

SEC. 13. Section 10080 of said code is amended to read:

10080. The commissioner may from time to time promulgate necessary rules and regulations for the conduct of his office and the administration and enforcement of the provisions of this part and of Chapter 1 of Part 2. At least 30 days prior to the adoption of such rules and regulations the commissioner shall notify the State Real Estate Commission of his intention to adopt same. Rules

SEC. 14. Section 10150.6 of said code is amended to read:

10150.6. The Real Estate Commissioner shall not grant an original real estate broker's license to any person who has not held a real estate salesman's license for at least two years prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of real estate salesman, except that an applicant for a real estate broker's license having at least the equivalent of two years' general real estate experience or graduation from a four-year college or university course, which course included specialization in real estate, files a written petition with the Division of Real Estate setting forth his qualifications and Real estate broker's license

experience, and a committee of not less than three members of the State Real Estate Commission approves, he may be issued a real estate broker's license immediately upon passing the appropriate examination and satisfying the other requirements of this article.

Business opportunity broker's license

SEC. 15. Section 10275.6 of said code is amended to read:

10275.6. The Real Estate Commissioner shall not grant an original business opportunity broker's license to any person who does not hold a real estate broker's license or who has not held a business opportunity salesman's license for at least two years prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of business opportunity or real estate salesman, except that an applicant for a business opportunity broker's license having at least the equivalent of two years' general real estate or business opportunity experience or graduation from a four-year college or university course, which course included specialization in real estate, files a written petition with the Division of Real Estate setting forth his qualifications and experience, and a committee of not less than three members of the State Real Estate Commission approves. he may be issued a business opportunity broker's license immediately upon passing the appropriate examination and satisfying the other requirements of this article.

CHAPTER 550

An act to amend Section 108 of the Insurance Code, relating to insurance.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 108 of the Insurance Code is amended to read:

108. Liability insurance includes:

(a) Insurance against loss resulting from liability for injury, fatal or nonfatal, suffered by any natural person, or resulting from liability for damage to property, or property interests of others but does not include workmen's compensation, common carrier liability, boiler and machinery, or team and vehicle insurance.

(b) With respect to operations or property covered by a policy of liability insurance as defined in subdivision (a), insurance of medical, hospital, surgical and funeral loss or expense of the insured or other persons injured, and in the case of an automobile liability policy disability benefits to the insured or other persons injured and in the event of their death funeral and accidental death benefits to their dependents, beneficiaries or personal representatives irrespective of legal

liability of the insured, when issued with or supplemental to the insurance defined in subdivision (a);

(c) Insurance covering injuries sustained by an insured resulting from a tort committed by a third party against which such third party is not himself covered by liability insurance;

(d) The provisions of this code relating to disability insurance do not apply to insurance defined in subdivision (b).

CHAPTER 551

An act to amend Sections 6020 and 6021 of the Business and Professions Code, relating to the officers of the State Bar of California.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6020 of the Business and Professions Code is amended to read:

6020. The officers of the State Bar are a president, four vice presidents, a secretary and a treasurer. One of the vice presidents may also be elected to the office of treasurer. Officers

SEC. 2. Section 6021 of said code is amended to read:

6021. Within the period of 10 days next preceding the annual meeting, the board, at a meeting called for that purpose, shall elect the president, vice presidents and treasurer for the ensuing year. Such officers shall be elected from among the board members who have at least one or more years to complete their respective terms. Elections

The newly elected president, vice presidents and treasurer shall assume the duties of their respective offices at the conclusion of the annual meeting following their election.

CHAPTER 552

An act to amend Section 72712 of the Government Code, relating to the reporters' salary fund in the Municipal Court, Los Angeles Judicial District.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of twenty-six thousand dollars ($26,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the city and the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal twenty-six thousand dollars ($26,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from the city's share shall be made from that portion of it distributable to the general fund of the city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the city or the county, except law library fees.

CHAPTER 553

An act to amend Section 24049 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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 the Alcoholic Beverage Tax Law, the Sales and Use Tax Law, the Personal Income Tax Law, or the Bank and Corporation Tax Law, when such tax liability arises in full or in part out of the exercise of the privilege of an alcoholic beverage license, or any amount due under the Unemployment Insurance Code when such liability arises out of the conduct of a business licensed by the Department of Alcoholic Beverage Control.

CHAPTER 554

An act to amend Section 23380, and to repeal Section 23782 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 23380 of the Business and Professions Code is amended to read:

Industrial alcohol dealer's license

23380. An industrial alcohol dealer's license authorizes the sale of undenatured ethyl alcohol in packages of more than one gallon for use in the trades, professions, or industries and

not for beverage consumption and also authorizes the importation and exportation of undenatured ethyl alcohol.

SEC. 2. Section 23782 of said code is repealed. Repeal

CHAPTER 555

An act to amend Section 14772.2 of the Education Code, relating to the discontinuance of local school district retirement systems.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 14772.2 of the Education Code is amended to read:

14772.2. (a) A plan established under this article which is intended to provide supplemental benefits only on account of service rendered before July 1, 1944, may be discontinued by the governing board of the district, subject to the following conditions:

1. Notwithstanding any other provisions of this division, any teacher who is not retired on July 1, 1956, shall be entitled to the contributions made by him to the discontinued plan with interest credited in accordance with the rules and regulations of the local retirement plan to and including June 30, 1957. Likewise, a teacher who retired prior to July 1, 1956, shall be entitled to a refund equal to the actuarial equivalent, at his attained age, of the annuity which would have been provided by the total contributions required of the member under the system, based on interest and mortality tables currently in use, less the amount of any contributions remaining unpaid on the date of discontinuance. The amount to which any teacher is entitled under this section shall be paid to him within 90 days of his request in writing on a form provided by and filed with the local retirement system. All such requests shall be filed prior to July 1, 1959.

2. The district in which the plan is discontinued shall pay monthly to teachers, who were retired prior to the date of such discontinuance, an amount equal to the amount by which the retirement allowance to which any said retired teacher was entitled under said plan exceeds the increase in said teacher's retirement allowance under the State Teachers' Retirement System after said discontinuance. In lieu of such monthly payment, the district may elect to pay in a single sum the amount which shall be the actuarial equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table currently in use under said plan. Payment of such amount shall discharge fully the district's liability to such teacher under this subdivision. The

arrangement under which such 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 the retirement allowances under the State Teachers' Retirement System.

(b) Any person who was retired prior to July 1, 1956, from a position requisite for membership in the State Teachers' Retirement System, under a district supplemental retirement salary plan which has been discontinued pursuant to this section, and elected either under said plan or under said system, but not under both, to have a portion of his retirement allowance modified according to an option under which he would receive a smaller allowance and provide for a benefit for his beneficiary, said person shall have the right, to be exercised not later than 60 days after the effective date of his section, to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalents under a changed election shall be made as of the said effective date, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

(c) When any local retirement plan is discontinued under the provisions of this section, all funds remaining in the district retirement fund of the local system shall be transferred to the general fund of the school district in which the plan is discontinued. Thereafter any payments to meet continuing obligations of the district arising from the establishment or discontinuance of the plan shall be paid from the general fund of the district.

CHAPTER 556

An act to amend Section 7771 of the Education Code, relating to school building aid to school districts.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 7771 of the Education Code is amended to read:

7771. (a) As used in this article:

(1) "State-aided district" means a district to which a conditional or final apportionment has been made under this chapter.

(2) "Acquiring district" means a district in which all or a part of, a state-aided district or an applicant district has been included.

(b) For the purposes of this article the effective date of any change of boundaries, annexation, formation of a new district, or other reorganization shall be:

(1) For granting conditional apportionments: the date such action became effective for the purposes of Section 1593.

(2) For making conditional apportionments final: the date such action became effective for all purposes as specified in Section 1591; provided the conditional apportionment was made prior to the effective date of such action for the purposes of Section 1593.

(3) No conditional apportionment may be made to any district affected by any reorganization after the date such action became effective for the purposes of Section 1593 except on application of the new district or of any affected existing district based on conditions following the reorganization.

CHAPTER 557

An act to add Section 608.5 to the Agricultural Code, relating to cheese.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 608.5 is added to the Agricultural Code, to read:

608.5. Notwithstanding the provisions of Section 608, it shall be lawful to manufacture washed curd cheese by the so-called cheddar process; provided, that the curd, after milling, is cooled in water and soaked therein until the whey is partly extracted and water is absorbed. Washed curd cheese shall contain not more than 42 percent of moisture and not less than 50 percent of milk fat in its water-free substance.

CHAPTER 558

An act to amend Section 2728 of, and to add Section 2763 to, and to repeal Sections 2763 and 2829 of, the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2728 of the Business and Professions Code is amended to read:

Nursing by attendants

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants in institutions under the jurisdiction of or subject to visitation by the State Department of Public Health, the State Department of Mental Hygiene or the Department of Corrections.

The Director of Mental Hygiene shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Mental Hygiene.

Repeal

SEC. 2. Section 2763 of said code is hereby repealed.

SEC. 3. Section 2763 is added to said code, to read:

Insanity

2763. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental 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; provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration to sanity. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

Repeal

SEC. 4. Section 2829 of said code is hereby repealed.

CHAPTER 559

An act to amend Section 20945 of the Education Code, relating to the California School for the Blind.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 20945 of the Education Code is amended to read:

20945. 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 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,

constitute 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.

CHAPTER 560

An act to add Section 21240 to the Public Utilities Code, relating to aviation.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 21240 is added to Article 2 of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, to read:

21240. This State recognizes the authority of the Federal Government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the commission the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the State's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the State.

CHAPTER 561

An act to amend Section 13001.2 of the Education Code, relating to the confirmation of prior employment of certificated employees of school districts.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 13001.2 of the Education Code is amended to read:

13001.2. The employment prior to the effective date of the amendment of this section by the Legislature at the 1957 Regular Session, by governing boards of school districts of all persons in positions requiring certification qualifications and the payment of compensation to such persons for all services rendered to school districts during that period is hereby authorized, ratified, confirmed and validated; provided, all of the following conditions have been met:

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

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

CHAPTER 562

An act to amend Section 1562 of the Financial Code, relating to deposit of trust funds.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 1562 of the Financial Code is amended to read:

1562. Any trust company or bank authorized to engage in the trust business holding trust funds awaiting investment or distribution may deposit or leave on deposit such funds with any state or national bank. Such funds shall not, however, be deposited or left with the same corporation or association depositing or leaving on deposit such funds or with any corporation or association holding or owning a majority of the capital stock of the trust company or bank making or leaving such deposit, unless such corporation or association shall first pledge, as security for such deposit, securities eligible for investment by savings banks having a market value of not less than the funds so deposited. No security shall be required with respect to any part of such deposits which is insured under the provisions of any law of the United States.

CHAPTER 563

An act to add Section 1043 to the Probate Code, relating to estates of nonresidents.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 1043 is added to the Probate Code, to read:

Notice

1043. An executor or administrator to whom letters are issued on the estate of a nonresident decedent by a court of competent jurisdiction of any state or territory of the United States desiring to collect any claim or receive any personal property in this State of such decedent and remove that collected or received to the jurisdiction in which his letters are issued, shall publish in some newspaper of general circulation published in the county where the debtor resides or the property is located, if there be one, if not, then in some newspaper of general circulation in the county, notice to all persons interested in said estate as creditors or as heirs, legatees or devisees. The notice shall set forth the names and addresses of the decedent and the person in this State indebted to or holding personal property of the decedent, shall state that

the executor or administrator desires to collect a claim or receive personal property and remove that collected or received, and shall require all persons having claims against the decedent or an interest in his estate and wishing to object to such removal to give written notice thereof to the person indebted to or holding personal property of the decedent within three months after the first publication of the notice. Publication shall be pursuant to Section 6064 of the Government Code.

Upon the expiration of three months after the first publication of said notice, if the person so indebted to or holding personal property of the decedent either has not received written notice from any person claiming as a creditor, heir, devisee or legatee and objecting to such removal, or has received the consent of such person, then he may pay such debt or deliver such personal property to the executor or administrator, upon receipt of the following:

(1) An affidavit of the executor or administrator averring to the best of his knowledge and belief that no other letters on said estate are then outstanding, that no petition for such letters is then pending in this State, that no ancillary proceedings will be brought, and that there are no unpaid creditors of the decedent or the estate in this State who have not consented to such removal;

(2) An authenticated copy of his letters;

(3) Consent to the transfer of the State Controller, or a person authorized by him to issue such consent; and

(4) An affidavit showing publication of the notice required under this section

and be discharged from further liability and responsibility for the debt or property.

"Person" as used herein includes a partnership, association, firm or corporation. "Person"

If the person indebted to or holding personal property of the decedent maintains branch offices, the publication shall be in the county where is located, and the notices and consents by claimants shall be given to, the office or branch at which the account evidencing the indebtedness or credit is carried, or at which the personal property is located or controlled.

CHAPTER 564

An act to add Section 673 9 to the Vehicle Code, relating to motor vehicle equipment.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 673.9 is added to the Vehicle Code, to read:

673.9. Fuel Tank Caps. No motor vehicle shall be driven or moved upon any highway if the filling spout for the fuel tank is closed or partly closed with a plug of wood, rags or other combustible materials.

CHAPTER 565

An act to amend Section 28124 of the Government Code, relating to the County of Humboldt.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 28124 of the Government Code is amended to read:

28124. In a county of the twenty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

CHAPTER 566

An act to amend Section 12024.5 of the Business and Professions Code, relating to sale of food by weight.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 12024.5 of the Business and Professions Code is amended to read:

12024.5. It shall be unlawful for any person to sell or advertise for sale in retail stores for consumer use any dressed poultry or any other fowl or rabbit in dressed form, either cooked or uncooked, or smoked, fresh, frozen, cooked, dried, or pickled meats or fish other than by weight determined at time of sale on a scale or a beam properly sealed in accordance with the provisions of this division; provided, however, that any commodity specified in this section need not be weighed at time of sale when sold in the wrapper or container in which it was received by the retailer or into which it was packed and on which appears the net weight of the commodity therein as marked by the manufacturer, processor, packer, wholesaler, or jobber; and further provided, that the provisions of this section do not apply to any commodity sold or offered for sale with other foods as part of a prepared meal.

CHAPTER 567

An act to add Section 4303 to the Public Utilities Code, relating to local taxes on motor vehicle carriers.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 4303 is added to the Public Utilities Code, to read:

4303. No city shall assess, levy, or collect an excise or license tax of any kind, character, or description whatever upon any household goods carrier, as defined in Section 5109, when the delivery or pickup of household goods, as defined in Chapter 7 (commencing at Section 5101) of Division 2, by the household goods carrier in the city is occasional and incidental to business conducted elsewhere.

CHAPTER 568

An act to add Article 8.7 (commencing with Section 31695.1) to Chapter 3, Part 3, Division 4, Title 3 of, and to amend Sections 31454.5, 31469.3, 31558, 31639, 31639.3, 31662, 31662.6, 31664.6, 31765.1, and 31785 of, the Government Code, relating to county employees' retirement systems.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Article 8.7 is added to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, to read:

Article 8.7. Extension of Safety Member Provisions

Vote

31695.1. Any provisions of this chapter to the contrary notwithstanding, the board of supervisors in any county not subject to the provisions of Section 31676.1 may, by majority vote, provide that all the provisions of this chapter relating to safety members, which apply to counties coming under the provisions of Section 31676.1 prior to January 1, 1953, shall apply in such county to all employees of such county whose principal duties consist of active law enforcement or active fire suppression as defined in Section 31470.2 or 31470.4, and the board in such county shall in its regulations provide for the time of election and terms of office of additional members of the board.

Employee elections

31695.2. All eligible employees may elect to be included within the safety member provisions of this chapter by written notice filed with the board not later than 60 days from and after the effective date of the approval of the board of supervisors of the provisions of this article.

Effective date

31695.3. From and after the effective date of the approval of the board of supervisors under Section 31695.1, all of the provisions of this chapter relating to safety members which apply to counties coming under the provisions of Section 31676.1, prior to January 1, 1953, except as provided in Section 31695.2, shall apply in such county.

Additional appropriations

SEC. 2. Section 31454.5 of said code is amended to read:

31454.5. In any county subject to the provisions of Section 31676.1 or Section 31695.1 the board of supervisors may, by vote entered in the minutes of the board, make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1 or Section 31695.1 or by the adoption of Articles 6.8, 7.5 and 8.7. The board of supervisors may make such additional appropriation whether recommended by the board or not.

SEC. 3. Section 31469.3 of said code is amended to read:

"Safety member"

31469.3. "Safety Member" means any person who is either:

(a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who, elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Sections 31676.1 or 31695.1, or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Section 31470 2 or 31470 4.

SEC. 4. Section 31558 of said code is amended to read:

31558. All existing members of a pension system established pursuant to either Chapter 4 or Chapter 5 and all employees eligible as safety members who at the time of entering service elected to become safety members, or who subsequently became members, shall become safety members and thereafter each person not over 35 years of age when employed in a position, the principal duties of which consist of active law enforcement or active fire suppression, as defined in Sections 31469.3, 31470.2 and 31470 4, shall become a safety member on the first day of the calendar month following his entrance into the service. The sheriff and undersheriff shall become safety members on the first day of the calendar month following their entrance into the service, regardless of age.

SEC. 5. Section 31639 of said code is amended to read:

Application

31639. This article shall apply in a county subject to the provisions of Sections 31676.1 and 31695.1.

SEC. 6. Section 31639.3 of said code is amended to read:

Rate of contribution

31639.3. Until revised pursuant to Sections 31453 and 31454, the rate of contribution of each safety member is that percentage of his earnable compensation shown in the following tables according to age at the time of entry into the retirement system:

Age	Percentage	Age	Percentage
21	9.34	28	10.04
22	9.43	29	10.15
23	9.53	30	10.25
24	9.63	31	10.36
25	9.73	32	10.48
26	9.83	33	10.59
27	9.94	34	10.71
		35	10.82

SEC. 7. Section 31662 of said code is amended to read:

Application

31662. This article shall apply in a county subject to the provisions of Sections 31676.1 and 31695.1.

SEC. 8. Section 31662.6 of said code is amended to read:

Time of retirement

31662.6. Two years after a retirement system established by this chapter becomes operative, a safety member except an elective officer, the sheriff and undersheriff, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 60.

SEC. 9. Section 31664.6 of said code is amended to read:

Retirement allowances

31664.6. If a member retires with credit for time during which he was not a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive for such time:

(a) A retirement allowance calculated pursuant to Section 31664 for time during which he was employed principally in active law enforcement or active fire suppression as described in Section 31470.2 or 31470.4 by a county, or by a district or court organized or existing within such county, or was a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus a retirement allowance calculated under either (b) or (c) of this section, whichever is applicable.

(b) A retirement allowance calculated pursuant to Section 31664 for all prior county service with such county, and for any public service credit for which the member has elected to receive pursuant to Sections 31641.1 or 31641.5.

This subdivision shall apply only to a member who, when the board of supervisors pursuant to Section 31695.1 provides that provisions of this chapter relating to safety members shall apply to all employees of the county whose principal duties consist of active law enforcement or active fire suppression as defined in Sections 31470.2 or 31470.4, was employed by the county principally in active law enforcement or active fire suppression as defined by such sections and who elected to be included within such safety member provisions at the time and in the manner prescribed by Section 31695.2.

(c) A retirement allowance calculated pursuant to Article 8 of this chapter for time during which he was not engaged principally in active law enforcement or active fire suppression as described in Section 31470.2 or 31470.4, nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

This subdivision shall apply to any member to whom subdivision (b) is not applicable.

SEC. 10. Section 31765.1 of said code is amended to read:

Election by surviving spouse

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1 or Section 31695.1, eligible for retirement pursuant to Article 7.5, 8, or 8.7 who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculations of the annuity of the surviving spouse.

SEC. 11. Section 31785 of said code is amended to read:

31785. Upon the death of any safety member, after retirement for service or nonservice-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1 or 31695.1, 60 percent of his retirement allowance if not modified in accordance with one of the optional settlements specified in Article 11, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the safety member at least one year prior to the date of his retirement. Death after retirement

Any qualified surviving spouse or children of a member of a pension system established pursuant to either Chapter 4 or Chapter 5, who shall have been retired on or before December 31, 1951, shall be paid a retirement allowance pursuant to the provisions of this section. In cases where the death of a member occurred prior to January 1, 1952, the payment of the retirement allowance to the qualified surviving spouse, or children shall be made effective on January 1, 1952.

CHAPTER 569

An act to amend Section 25631 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.] In effect September 11, 1957

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

SECTION 1. Section 25631 of the Business and Professions Code is amended to read:

25631. Any on- or off-sale licensee, or agent or employee of such licensee, who sells, gives, or delivers to any persons any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day, is guilty of a misdemeanor.

For the purposes of this section, on the day that a time change occurs from Pacific Standard Time to Pacific Daylight Time, or back again to Pacific Standard Time, "2 o'clock a.m." means two hours after 12 o'clock p.m. of the day preceding the day such change occurs.

CHAPTER 570

An act to amend Sections 2007, 3006 and 3405 of the Welfare and Institutions Code, relating to restitution actions in connection with aid to the needy.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 3006 of the Welfare and Institutions Code is amended to read:

Misrepresentation

3006. Any person who, in order to secure for himself or another the aid provided in this chapter, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter, he shall make restitution and all actions necessary to secure restitution may be brought against him.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

SEC. 2. Section 3405 of said code is amended to read:

3405. Any person who, in order to secure for himself or another the aid provided in this chapter, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter, he shall make restitution and all actions necessary to secure restitution may be brought against him.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

SEC. 3. Section 2007 of said code is amended to read:

2007. Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

CHAPTER 571

An act to add Section 2224.1 to, and to amend Sections 2224, 3088, and 3474 of, the Welfare and Institutions Code, relating to relatives' responsibility in public assistance programs.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 2224 of the Welfare and Institutions Code is amended to read:

2224. 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 or adult child responsible to contribute to the support of the applicant or recipient of aid pursuant to the relatives' contribution scale of Section 2181. A form shall be sent to the relative requiring the information essential to the determination of the relative's liability to support under said scale. Information form

Upon request the relative shall file such statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such statement by such spouse or adult child.

If the person receiving aid has within the State a spouse or adult child found by the board of supervisors or its authorized representative pecuniarily able to support said person, the board of supervisors may request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand, the district attorney or other civil legal officer of the county granting such aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare. Legal action

The granting of or continued receipt of aid shall not be contingent upon such recovery.

No court action filed under the authority of this section shall seek the recovery for a county of any sum paid to a recipient of aid at a time prior to the day upon which the board of supervisors made a finding that the defendant spouse or adult child was pecuniarily able to support the recipient. If the responsible relative wilfully and without good cause delays in filing the statement of his income within the time limits as provided in this section the county may seek recovery from such responsible relative from the date said statement is required to be returned to the board of supervisors or their designated agent.

SEC. 2. Section 2224.1 is added to said code, to read:

2224.1. If the board of supervisors of a county makes an order, under the authority of Section 206.7 of the Civil Code, freeing the responsible relative from the duty of supporting an applicant for or recipient of aid under this code, or if Exoneration

the superior court of a county makes a similar order under the authority of Section 206 5 of the Civil Code, such an order shall be deemed to have a retroactive effect and to free the relative from the duty of paying, either to the applicant, recipient, or county, any sum for which he would otherwise have been liable prior to the making of the order, and which yet remains unpaid on the day the order is made.

Nothing in this section shall be construed to give to any responsible relative any right whatever to recover from an applicant, recipient, or county any sum already actually and properly paid by the relative to the applicant, recipient, or county prior to the date upon which the board of supervisors or superior court of the county makes its order under Sections 206.7 or 206.5 of the Civil Code.

SEC. 3. Section 3088 of said code is amended to read:

Duty of board

3088. 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.

Legal action

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.

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 ability

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.

Court action

No court action filed under the authority of this section shall seek the recovery for a county of any sum paid to a recipient of aid at a time prior to the day upon which the board of supervisors made a finding that the defendant spouse or adult child was pecuniarly able to support the recipient. If the responsible relative wilfully and without good cause delays in filing the statement of his income within the time limits as provided in this section the county may seek recovery from such responsible relative from the date said statement is required to be returned to the board of supervisors or their designated agent.

Ability to contribute

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' contributions scale" may be made as the board of supervisors may deem justifiable.

"Income of responsible relative"

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.

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

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									
$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
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.

SEC. 4. Section 3474 of said code is amended to read:

Duty of board

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.

Legal action

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.

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 ability

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.

Court action

No court action filed under the authority of this section shall seek the recovery for a county of any sum paid to a recipient of aid at a time prior to the day upon which the board of supervisors made a finding that the defendant spouse or adult child was pecuniarily able to support the recipient. If the responsible relative wilfully and without good cause delays in filing the statement of his income within the time limits as provided in this section the county may seek recovery from such responsible relative from the date said statement is re-

quired to be returned to the board of supervisors or their designated agent.

Ability to contribute

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.

"Income of responsible relative"

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.

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
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

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									
$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 572

An act to amend Section 155 of the Vehicle Code, relating to signature and display of vehicle registration cards.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 155 of the Vehicle Code is amended to read:

155. Owner to Sign and Display Registration Card. (a) Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided and shall place and thereafter maintain the same or a facsimile copy thereof in a suitable container and shall securely fasten said container and card in the driver's compartment of the vehicle for which issued in a position so that at least that portion of said registration card, or facsimile copy thereof, containing the name and address of the registered owner and the license number of the vehicle shall be plainly visible and legible from the outside of the vehicle or, if the vehicle has no driver's compartment, shall so fasten the same in plain sight upon, or carry the same in some receptacle attached to the vehicle. In the case of commercial vehicles, the registration card may be carried in a receptacle readable from the outside. In such case the receptacle shall be attached to the right door or splash apron of the truck or tractor or to the right side near the front of the trailer unit or units.

(b) The provisions of this section shall not apply when a registration card is necessarily removed from the vehicle for which issued for the purpose of application for renewal thereof or a transfer of registration of said vehicle or to any pole or pipe dolly or auxiliary dolly.

CHAPTER 573

An act to amend Section 53 of the Fish and Game Code, and amend Section 3284 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to signs.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 53 of the Fish and Game Code is amended to read:

Game bird club

53. The holder of a licensed game bird club license must post his property on the exterior boundary at intervals of not more than 500 feet with signs of a size not less than 12 by 18 inches, which signs shall include the name of the person or organization holding the license and shall also include the words: "Commercial Licensed Game Bird Club," or "Private Licensed Game Bird Club—authorized under Regulations of the Fish and Game Commission—No Trespassing." The words "Commercial Licensed Game Bird Club," or "Private Licensed Game Bird Club," shall be printed no smaller than 12-line (two-inch high) gothic type. The phrase "Authorized under Regulations of the Fish and Game Commission," shall be no smaller than 36-point type and no larger than 48-point type. The words "No Trespassing," shall be no smaller than 12-line (two-inch high) gothic type. These signs must be vis-

ible at least twenty-five (25) feet from the boundary of such clubs. The department shall not furnish such signs.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9702 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 53 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 574

An act to amend Sections 73732, 73733, 73734, 73735, 73736, 73737, 73992, 73993, 73994, 73995, and 73996 of, and to add Sections 73740 and 73999 to, the Government Code, relating to municipal courts in Orange County.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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 five hundred forty-five dollars ($545) monthly with annual increments of thirty dollars ($30), thirty-three dollars ($33), thirty-three dollars ($33), and thirty-six dollars ($36) to a maximum of six hundred seventy-seven dollars ($677) monthly.

SEC. 2. Section 73733 of said code is amended to read:

Same: Deputy clerks

73733. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred forty dollars ($440) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

(b) Three deputy clerks, grade IV (division heads), each of whom shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(c) Six deputy clerks, grade III (courtroom clerk, chief bookkeeper, or chief cashier), each of whom shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(d) Five deputy clerks, grade II (stenographer, assistant bookkeeper or assistant cashier), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

(e) Ten deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

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 seven hundred dollars ($700).

SEC. 4. Section 73735 of said code is amended to read:

Same Assistants

73735. The marshal may appoint:

(a) One assistant marshal who shall receive a minimum salary of four hundred forty dollars ($440) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

(b) Eight deputy marshals, grade II (field deputies), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(c) Three deputy marshals, grade I (bailiffs), each of whom shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(d) One chief clerk, clerical supervisor, who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(e) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred nineteen dollars ($319) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), twenty dollars ($20), and twenty dollars ($20) to a maximum of three hundred ninety-five dollars ($395) monthly.

(f) Four clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and

eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

SEC. 5. Section 73736 of said code is amended to read:

Succession to new positions

73736. Upon the effective date of the Statutes of 1957 the incumbent attaches and employees shall each succeed to and be assigned to the positions provided by this article, the duties of which are comparable to the positions formerly held by such attaches and employees. The appointing authority, with the approval of the majority of the judges, or in the event there is an equal division of judges, with the approval of the judge senior in service, shall determine the position to which each incumbent attache or employee shall be assigned.

The incumbent officers, attaches, and employees shall each retain the same salary step in the salary range made applicable to his position by said statutes as he occupied under the superseded salary range or position.

SEC. 6. Section 73737 of said code is amended to read:

Administration

73737. Administration of the salary plan provided by this article, including the determination of the anniversary dates for entitlement to salary increments, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the Salary Ordinance of the County of Orange relating to the administration of the county salary plan for county employees generally. Any employee or attache, however, who has completed six months or more of service in a particular class of position by the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature shall have a salary anniversary date of October 1, 1957. The salary anniversary date of attaches and employees who shall have completed more than one year of service in a particular class of position by such final adjournment date shall not be changed but shall remain as they were prior to such date.

The increments provided for in this article are subject to Section 72001.

SEC. 7. Section 73740 is added to said code, to read:

Initial hiring rate

73740. The initial hiring rate for each position shall be the minimum salary provided for such position by this article. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is engaged, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the board of supervisors may employ such person at one of the higher salary steps provided for the position.

SEC. 8. Section 73992 of said code is amended to read:

Salaries: Clerk

73992. There shall be one clerk who shall receive a minimum of five hundred forty-five dollars ($545) monthly with annual increments of thirty dollars ($30), thirty-three dollars ($33), thirty-three dollars ($33) and thirty-six dollars ($36) to a maximum of six hundred seventy-seven dollars ($677) monthly.

SEC. 9. Section 73993 of said code is amended to read:

Same Deputies

73993. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred forty dollars ($440) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

(b) Three deputy clerks, grade IV (general civil and small claims deputies), each of whom shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(c) Four deputy clerks grade III (courtroom clerk, chief bookkeeper or chief cashier), each of whom shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(d) Five deputy clerks, grade II (stenographer, assistant bookkeeper, or assistant cashier), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

(e) Seven deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

SEC. 10. Section 73994 of said code is amended to read:

Marshal

73994. There shall be one marshal who shall receive a monthly salary of seven hundred dollars ($700). The marshal may appoint:

Same: Assistants

(a) One assistant marshal who shall receive a minimum salary of four hundred forty dollars ($440) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

(b) Six deputy marshals, grade II (field deputies), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(c) Three deputy marshals, grade I (bailiffs), each of whom shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(d) One chief clerk (clerical supervisor) who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-four dollars ($464) monthly.

(e) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred nineteen dollars ($319) monthly, with annual increments of eighteen dollars ($18), eighteen dollars ($18), twenty dollars ($20), and twenty dollars ($20) to a maximum of three hundred ninety-five dollars ($395) monthly.

(f) Four clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16) and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

SEC. 11. Section 73995 of said code is amended to read:

73995. Upon the effective date of the Statutes of 1957, the incumbent attaches and employees shall each succeed to and be assigned to the positions provided by this article, the duties of which are comparable to the positions formerly held by such attaches and employees. The appointing authority, with the approval of the majority of the judges, or in the event there is an equal division of judges, with the approval of the judge senior in service, shall determine the position to which each incumbent attache or employee shall be assigned. Succession to new positions

The incumbent officers, attaches and employees shall retain the same salary step in the salary range applicable to his position under this article as he occupied under the superseded salary range or position.

SEC. 12. Section 73996 of said code is amended to read:

73996. Administration of the salary plan provided by this article, including the determination of the anniversary dates for entitlement to salary increments, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the Salary Ordinance of the County of Orange relating to the administration of the county salary plan for county employees generally. Any employee or attache, however, who has completed six months or more of service in a particular class of position by the effective date of the amendment of this section enacted by the Legislature at the 1957 Regular Session, shall have a salary anniversary date of October 1, 1957. The salary anniversary date of attaches and employees who shall have Administration

completed more than one year of service in a particular class of position by such effective date shall not be changed but shall remain as they were prior to such effective date.

The increments provided for in this article shall be subject to the provisions of Section 72001.

SEC. 13. Section 73999 is added to said code, to read:

Initial hiring rate

73999. The initial hiring rate for each position shall be the minimum salary provided for the position by this article. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is engaged, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the Board of Supervisors of the County of Orange may employ such person at one of the higher salary steps provided for the position.

CHAPTER 575

An act to amend Section 8780 of the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 8780 of the Business and Professions Code is amended to read:

8780. By a two-thirds vote, the board may suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively licensed hereunder or registered under the provisions of Chapter 7 of Division 3 of this code, whom it finds to be guilty of:

(a) Any fraud or incompetency in his practice of land surveying.

(b) Any fraud or deceit in obtaining his license.

(c) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.

CHAPTER 576

An act to repeal Sections 276 and 277 of, and to add Section 276 to, the Vehicle Code, relating to drivers' licenses.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Sections 276 and 277 of the Vehicle Code are repealed.

SEC. 2. Section 276 is added to said code, to read:

276. Term of Licenses. (a) Every original driver's license hereafter issued shall expire on the anniversary of the date of birth of the applicant in the third year following the date of application for such license.

(b) Renewal of any driver's license shall be made in accordance with Section 278 for a term which shall expire on the anniversary of the date of birth of the applicant in the fifth year following the expiration of the license renewed except that an original driver's license or such renewal of a license shall expire on the anniversary of the date of birth of the applicant in the second year following the application for an original or the expiration of the license renewed if within the past two years the applicant has:

1. Except for parking violations, been convicted of two or more violations of Division 9, of this code, if licensed as an operator, or four or more violations if licensed as a chauffeur.

2. Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for renewal of a driver's license made not more than six months prior to the date of expiration and such renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 30 days after expiration of the license the application shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

CHAPTER 577

An act to add Section 50335 to the Government Code, relating to public utilities.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 50335 is added to the Government Code, to read:

50335. The legislative body of a local agency may convey to any public corporation, or private corporation engaged in the public utility business, an easement to lay, construct, reconstruct, maintain, and operate water, sewer, gas or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, over and upon any land belonging to the local agency, upon such terms and conditions as the parties thereto may agree. Nothing contained herein shall relieve a public utility from any franchise requirement imposed by any law, charter, or ordinance.

CHAPTER 578

An act to amend Section 2082 of the Elections Code, relating to delegates to national party conventions.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 2082 of the Elections Code is amended to read:

2082. Each candidate for delegate to his national party convention shall file with the Secretary of State before circulating the nomination papers of the group of candidates of which he is a member an affidavit which shall state:

(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.

CHAPTER 579

An act to amend Section 230 of the Elections Code, relating to form of affidavit of registration.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 230 of the Elections Code is amended to read:

230. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ _____ in_____Assembly District,_____precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I have not registered in another precinct in the State since January 1, 19___. (If applicant has previously registered in this county or has registered under another name, mark out word "not" and fill out transfer clause at top. If applicant is registered in another county mark out word "not" and applicant must execute a separate affidavit of cancellation before he can register.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is_____between_____and _____Streets,_____floor, Room_____.

4. My occupation is _____.

5. My height is _____feet_____inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization.
   {Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

When {month / day / year} _____ Where {city / state} _____

My {father's / husband's / mother's} name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can_____read the Constitution in the English language; I can_____write my name; I am entitled to vote by reason of having been on October 10, 1911 (a) An elector. (b) More than 60 years of age.

I can _____ mark my ballot by reason of _____ (state physical disability, if any).

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

(Affiant sign here.)

_____

Residence _____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

County Clerk.

By _____

Deputy County Clerk.

Assembly District _____

Post-office address is _____Precinct_____

Rural Route No. _____Box No. _____

CHAPTER 580

An act to amend and renumber Section 678.5 of the Elections Code, relating to precinct boards and polling places.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 678.5 of the Elections Code is amended and renumbered to read:

571.6. If, through unforeseen circumstances, it has not been determined until less than 30 days before the election that there are more than 400 voters to a precinct, then the board or officer charged with conducting the election may divide the precinct as provided in Section 571.5 of this code, in which event no further publications are required as to the additional board members appointed nor polling places designated as required by this code.

CHAPTER 581

An act to add Section 687.5 to the Elections Code, relating to election procedure.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 687.5 is added to the Elections Code, to read:

687.5. In lieu of the declaration of the inspector as provided in Section 684 of this code, the clerk may require the inspector to sign the declaration on the day of election and before entering upon the performance of his duties.

CHAPTER 582

An act to amend Section 3828 of the Elections Code, relating to ballot composition.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3828 of the Elections Code is amended to read:

3828. On the top of the face of the ballot shall be printed, in substantially the following form, such of the following directions as are applicable to the ballot:

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection for (here name the office on the ballot covered by the provisions of Section 26 of Article VI of the Constitution) stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate.

To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose.

To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter ballots mark a cross (+) with pen or pencil.

CHAPTER 583

An act to amend Sections 5503, 7007, 7008, 7009, 7019, 7021, 7104 and 7207 of the Elections Code, relating to tally sheets.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 5503 of the Elections Code is amended to read:

Election materials

5503. The county clerk shall furnish to the election officers:

(a) Original books of affidavits of registration.

(b) Printed copies of the indexes.

(c) Necessary printed blanks for roster, tally sheets, lists of voters, declarations and returns.

(d) Envelopes in which to enclose returns.

(e) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots on which shall be printed necessary instructions, and the provisions of Sections 5512, 5513, 5560, 5561, 5705, 5706, 5714, 5716, 5718, 5720, 5730, 5731, 5732, 5733, 7003, 7004, 7012, 7014, 7016, 7017, 7018, 11501.

(f) A digest of the election laws with any further instructions the county clerk may desire to make. One copy shall be furnished to each election officer at the time of his appointment.

SEC. 2. Section 7007 of said code is amended to read:

Excess ballots

7007. 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 tally sheet of the number of ballots so drawn and destroyed.

SEC. 3. Section 7008 of said code is amended to read:

Roster: Signature, etc

7008. The number of ballots agreeing or being thus made to agree with the number of names on the roster, the inspector and judges shall sign the roster. The clerks shall attest the roster. The precinct board shall set down in words and figures at the foot of the list, and over the signatures of the inspector and judges and the attestation of the clerks, substantially in the form prescribed in Section 5565, the number of names on the roster.

SEC. 4. Section 7009 of said code is amended to read:

Count

7009. After the roster is thus signed, the precinct board shall open the ballots and count and ascertain the number of votes cast for each person and for and against each measure.

SEC. 5. Section 7019 of said code is amended to read:

Tally sheet

7019. The tally sheet shall be in such form as may be prepared by the county clerk, clerk, or secretary of the body conducting the election.

Each tally sheet 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 sheet.

Clerk	Inspector
Clerk	Judge
Clerk	Judge

SEC. 6. Section 7021 of said code is amended to read:

Final certificate

7021. As soon as all the votes are counted and the ballots sealed up, the precinct board shall fill out on the tally sheets 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.

SEC. 7. Section 7104 of said code is amended to read:

Tally sheets, etc.

7104. In one or two packages, as determined by the county clerk, and with the contents thereof as determined by him, the precinct board shall enclose and seal:

(a) Two tally sheets.
(b) The roster of voters.
(c) The copy of the index used as the voting record.
(d) The challenge list.
(e) The assisted voter's list.
(f) The affidavits of election officers assisting voters.

SEC. 8. Section 7207 of said code is amended to read:

Custody

7207. The clerk as defined in Section 18 of this code shall retain in his custody the package or packages described in Section 7104.

Inspection

The tally sheets shall be made available to the body charged with the canvass of the returns of the election. All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes.

Disposal

The package or packages shall be disposed of in the same manner as voted ballots.

CHAPTER 584

An act to amend Sections 1452, 1505, and 1506 of the Elections Code, relating to measures on the ballot.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1452 of the Elections Code is amended to read:

Request for ballot title

1452. Any person who is interested in any such proposed measure may at any time prior to 150 days before the election at which the measure is to be voted upon, file a copy of it with the Secretary of State, together with a request that a ballot title be prepared for it. This request shall be accompanied with the address of the person or association of persons proposing the measure. The Secretary of State shall forth-

with transmit a copy of the measure to the Attorney General. Within 10 days after it is filed with him, the Attorney General shall provide and return to the Secretary of State a ballot title for the measure. The ballot title may differ from the legislative or other title of the measure and shall express in not exceeding 100 words the purpose of the measure. In providing the ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure.

SEC. 2. Section 1505 of said code is amended to read:

Press releases

1505. The press release shall be mailed at least:

(a) 170 days prior to the date of the election at which a measure submitted by the Legislature is to be voted upon.

(b) 140 days prior to the date of the election at which an initiative or referendum measure is to be voted upon.

SEC. 3. Section 1506 of said code is amended to read:

1506. The press release shall consist of an announcement containing:

(a) A summary of the essential nature or purpose of the measure for or against which no argument has been prepared or filed.

(b) A statement as to whether the affirmative, negative, or both arguments have not been filed.

(c) An invitation to any and all voters or group of voters to submit and file with the Secretary of State within 150 days in the case of measures submitted by the Legislature, and within 130 days in the case of initiative and referendum measures, prior to the election arguments for or against the measure as to which pro or con arguments have not been filed.

CHAPTER 585

An act to repeal Chapter 4 (consisting of Sections 5800 through 5810) of Division 8 of, and to amend Section 5704 of, the Elections Code, relating to voting at primary elections.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Chapter 4 of Division 8 of the Elections Code is repealed.

SEC. 2. Section 5704 of the Elections Code is amended to read:

5704. The election officer shall give each voter only one general ballot and where any city officers are to be elected he shall also be given only one municipal ballot. At primary elections a voter shall receive only the ballot of the political party designated in his affidavit of registration. If he has not designated a political party in his affidavit of registration, he shall receive only the nonpartisan ballot.

CHAPTER 586

An act to amend Section 2571 of the Elections Code, relating to elections.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2571 of the Elections Code is amended to read:

2571. A statement of the number of voters in his county at the close of registration on the nineteenth day prior thereto shall be transmitted to the Secretary of State by each county clerk at the following times:

(a) On the 135th day before each presidential primary and before each direct primary.

(b) On the thirty-fifth day before each state-wide election.

The statement shall show the total number of voters in the county, the number registered as affiliated with each political party and the number who declined to state a party affiliation.

CHAPTER 587

An act to amend Section 46.5 of the Elections Code, relating to election procedure.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957]

In effect September 11, 1957

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

SECTION 1. Section 46.5 of the Elections Code is amended to read:

46.5. Whenever, by the Constitution or laws of this State, the county clerk is required to determine what number of voters have signed any petition or paper, the affidavit of the person circulating such petition or paper, if such an affidavit is required by law, shall contain his residential voting address at the time of the execution of said affidavit.

CHAPTER 588

An act to amend Section 1038 of the Agricultural Code, relating to agricultural mineral sales.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1038 of the Agricultural Code is amended to read:

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay fifteen cents ($0.15) per ton or fraction thereof, and upon such a sale of agricultural minerals, ten cents ($0.10) per ton or fraction thereof, except that during the period from October 1, 1955, to and including September 30, 1957, the amount shall be three cents ($0.03) per ton or fraction thereof and from October 1, 1957, to and including September 30, 1959, the amount shall be three cents ($0.03) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. A commercial fertilizers registrant selling agricultural minerals to an unregistered person in the original and properly labeled lots or packages of an agricultural minerals registrant shall pay thereon the agricultural minerals tonnage tax required by this section. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of ten percent (10%) of the amount due.

On receipt of the tonnage license tax and statement, the director shall issue to the registered seller a certificate of compliance with this section.

Whenever a registered person shall have paid the tonnage license tax herein required, any person acting as his selling agent shall not be required to pay the tonnage license tax.

CHAPTER 589

An act to amend Section 6854 of the Education Code, relating to physically handicapped pupils instructed by the county superintendent of schools.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 6854 of the Education Code is amended to read:

6854. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 9562 shall be credited as follows:

(a) The attendance of pupils taught in emergency elementary schools shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions or by cooperative arrangements with the Bureau of Vocational Rehabilitation of the State Department of Education shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by cooperative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or instructed in special classes of secondary grade, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 9561 in the regular schools of the district of any county shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

CHAPTER 590

An act to amend Section 2751 of the Elections Code, relating to certification of candidates.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 2751 of the Elections Code is amended to read:

2751. Not less than 39 days before the general election the Secretary of State shall deliver to the county clerk of each county a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received

the nomination as a candidate for public office pursuant to the provisions of this chapter.

(b) For each nominee the name of the party which has nominated him, if any.

(c) The designation of the public office for which he is so nominated.

CHAPTER 591

An act to amend Section 1861 of the Civil Code, relating to liens of keepers of hotels, inns, boardinghouses and lodging-houses.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, or boarders, or lodgers which may be in such hotel, motel, inn, or boarding or lodging house for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, or boarders or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder or lodger at his post-office address, if known, and if not known, such notice shall be addressed to such guest, boarder or lodger at the place where such hotel, motel, inn, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, boardinghouse, or lodginghouse keeper to such guest, boarder or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury

Power of sale

Excess proceeds

of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

After acquired baggage, etc

This section does not apply to:

Exceptions

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, or lodger.

CHAPTER 592

An act to amend Sections 6011 and 6012 of the Revenue and Taxation Code, relating to sales tax.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

"Sales price"

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

"Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

SEC. 2. Section 6012 of the Revenue and Taxation Code is amended to read:

"Gross receipts"

6012. "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for

sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

"Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property measured by a stated percentage of sales price or gross receipts whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the sale of the property is made to the purchaser.

For purposes of the sales tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been absorbed

by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

CHAPTER 593

An act to add Section 270.5 to the Labor Code and to amend Section 272 of the Labor Code, relating to security for payment of wages.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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

SECTION 1. Section 270.5 is added to the Labor Code, to read:

Security

270.5. No person, agent or officer thereof, engaged in the business of logging or operating a saw mill for converting logs into lumber, except in the case of logging or saw mill operations of persons having a free and unencumbered title to the fee of real property in this State, shall fail or neglect, before commencing work in any period for which a single payment of wages is made, (a) to have on hand or on deposit with a bank or trust company, in the county where such business is conducted, or if there is no bank or trust company in the county, then in the bank or trust company nearest such operations, cash or readily salable securities of a market value sufficient to pay the wages of every person employed in connection with such operations for such period, or (b) to deposit with the Labor Commissioner the bond of a surety company authorized to do business within the State, acceptable to him, conditioned upon the payment of all wages found by the Labor Commissioner to be due and unpaid in connection with such operations.

Any person, agent or officer thereof, who violates this section is guilty of a misdemeanor.

SEC. 2. Section 272 of the Labor Code is amended to read:

Notice

272. Every person, agent, or officer thereof engaged in the businesses specified in Section 270, 270.5, or 271, shall keep conspicuously posted upon the premises where persons are employed, a notice specifying the name and address of the bank or trust company where the required cash or readily salable securities are on deposit, or the name of the surety or sureties on the bond deposited pursuant to Section 270.5. Failure to keep the notice conspicuously posted is prima facie evidence of a violation of Section 270, 270.5, or 271.

CHAPTER 594

An act to amend Section 28101 of the Government Code, relating to salaries and fees of grand juries in counties of the first class.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 28101 of the Government Code is amended to read:

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 ten dollars ($10) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury, even though a full jury quorum of 12 be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury, or any session of a grand jury committee duly called by the foreman or committee chairman.

CHAPTER 595

An act to amend Section 651 of the Unemployment Insurance Code, relating to the definition of "employment."

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 651 of the Unemployment Insurance Code is amended to read:

651. "Employment" does not include services performed by an individual as a golf caddy in caddying or carrying a golf player's clubs.

CHAPTER 596

An act to amend Sections 7101.1, 7101.2, and 7101.5 of the Education Code, relating to education of physically handicapped minors.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 7101.1 of the Education Code is amended to read:

Allowances

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, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

SEC. 2. Section 7101.2 of said code is amended to read:

Same: County school service fund

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, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

SEC. 3. Section 7101.5 of said code is amended to read:

Maximum

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, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils shall not exceed forty thousand dollars ($40,000) 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 597

An act to add Section 23452.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23452.5 is added to the Business and Professions Code, to read:

23452.5. The department may also issue one veterans' club license to any veterans' memorial association which is a nonprofit private corporation organized for patriotic, fraternal, or benevolent purposes, composed solely of veterans, and which has more than 18,000 bona fide regular members, and which owns, leases, maintains, or operates a clubhouse and has continuously operated a clubhouse for not less than three years.

CHAPTER 598

An act to amend Section 750.2 of the Agricultural Code, relating to the California Dairy Industry Advisory Board.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 750.2 of the Agricultural Code is amended to read:

750.2. This chapter shall remain in force and effect until the ninety-first (91st) day after the adjournment of the 1965 Regular Session of the Legislature of the State of California.

CHAPTER 599

An act to add Section 700.2 to the Vehicle Code, relating to rubbish vehicles.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 700.2 is added to the Vehicle Code, to read:

700.2. Rubbish Vehicles—Cover for Load. No vehicle loaded with garbage, swill, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous, or offensive matter shall be driven or moved upon any highway

unless the load is covered with a cover sufficient to prevent the load or any part of the load spilling upon the highway. This section does not prohibit a rubbish vehicle from being without cover while in the process of acquiring its load in circumstances wherein no law, administrative regulation, or local ordinance requires such cover.

The provisions of this section shall not apply to any vehicle engaged in transporting wet waste fruit or vegetable matter, or waste products from a food processing establishment.

CHAPTER 600

An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 30, 1957. Filed with Secretary of State May 30, 1957.]

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 "Budget Act of 1957."

Budget appropriations

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1957-58 Fiscal Year beginning July 1, 1957, and ending June 30, 1958. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Special funds

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized by the Governor and Director of Finance pursuant to Section 11006, Government Code.

Recurrent appropriations

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

STATE OPERATIONS SECTION

Legislative

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$240,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	2,500

Item		Amount	
3—For expenses of Members of the Senate		21,600	
4—For contingent expenses of the Senate, including pay of officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.		1,000,000	
5—For salaries of Assemblymen		480,000	
6—For mileage of Assemblymen and statutory officers of the Assembly		5,000	
7—For expenses of Members of the Assembly		43,200	
8—For contingent expenses of the Assembly including pay of officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.		1,300,000	
9—For legislative printing, binding, mailing, and other necessary expenses to be transferred by the State Controller to the Legislative Printing Fund.		730,000	
10—For contingent expenses of the State Capitol Committee		750	
11—For support of Legislative Office in Alameda County		6,841	
12—For support of Legislative Office at Los Angeles		12,656	
13—For support of Legislative Office at San Diego		7,411	
14—For support of Legislative Office at San Francisco		6,564	
15—For support of Legislative Counsel Bureau, in accordance with the following schedule:		403,803	Legislative Counsel
Schedule:			
(a) Salaries and Wages	394,104		
(b) Operating Expenses and Equipment	29,699		
Total of schedule	423,803		
Less estimated reimbursements	20,000		
Net appropriation	403,803		
16—For support of California Law Revision Commission, in accordance with the following schedule		73,532	Law Revision Commission

Item		Amount
	Schedule:	
	(a) Salaries and Wages	28,429
	(b) Operating Expenses and Equipment	45,103
	Total of schedule	73,532
Commission on Uniform State Laws	17—For support of California Commission on Uniform State Laws	5,450
Legislators' Retirement Fund	18—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code	58,000
	JUDICIAL	
Supreme Court	19—For support of Supreme Court of California	634,126
Judicial Council	20—For support of Judicial Council	157,867
	21—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	25,000
District Courts of Appeal	22—For support of the District Court of Appeal, First Appellate District	272,692
	23—For support of the District Court of Appeal, Second Appellate District	415,205
	24—For support of the District Court of Appeal, Third Appellate District	157,904
	25—For support of the District Court of Appeal, Fourth Appellate District	183,666
	EXECUTIVE	
Governor	26—For support of the Governor and of the Governor's Office (exempt from the provisions of Sections 12410, 13320, and 16003 of the Government Code)	461,260
	27—For support of the Governor's residence (exempt from the provisions of Sections 12410, 13320, and 16003 of the Government Code)	17,400
	28—For special contingent expenses, Governor's Office (exempt from the provisions of Sections 12410, 13320, and 16003 of the Government Code)	7,500
California Disaster Office, etc	29—For support of the California Disaster Office, California State Disaster Council, and advisory committees	1,098,573
Emergency fund	30—In the event that a state of extreme emergency, as defined in Sections 1505 and 1505.5 of the Military and Veterans Code, should exist during the 1957-58 Fiscal Year, any money in the Revenue Deficiency Reserve	

Item			Amount	
	Fund, or so much thereof as may be deemed necessary, shall be transferred to the Emergency Fund specified in Item 283, upon the direction of the Governor, the State Controller, and the Director of Finance and pursuant to the recommendation of the California State Disaster Council. The money so transferred may be expended as provided in said Item 283 to carry out the provisions of the California Disaster Act for the relief and alleviation of the state of extreme emergency. Upon the termination of the period of the state of extreme emergency, the unencumbered balance of the money so transferred shall be returned to the Revenue Deficiency Reserve Fund.			
31—For salary and support of Lieutenant Governor, in accordance with the following schedule			55,843	Lieutenant Governor
Schedule:				
(a) Salaries and Wages		35,528		
(b) Operating Expenses and Equipment		20,315		
Total of schedule		55,843		
GENERAL ADMINISTRATION				
32—For support of Board of Administration of the State Employees' Retirement System, in accordance with the following schedule			339,211	Employees' Retirement System
Schedule:				
(a) Salaries and Wages		717,495		
(b) Operating Expenses and Equipment		182,810		
Total of schedule		900,305		
Less estimated reimbursements		561,094		
Net appropriation		339,211		
33—For support of California Commission on Interstate Cooperation			34,091	Commission on Interstate Cooperation
34—For support of State Personnel Board, in accordance with the following schedule			2,165,792	Personnel Board
Schedule:				
(a) Salaries and Wages		1,966,726		
(b) Operating Expenses and Equipment		404,260		
Total of schedule		2,370,986		

Item		Amount
	Less estimated reimbursements	205,194
	Net appropriation	2,165,792
Secretary of State	35—For support of Secretary of State, in accordance with the following schedule	314,833
	Schedule:	
	(a) Salaries and Wages	255,092
	(b) Operating Expenses and Equipment	66,241
	Total of schedule	321,333
	Less estimated reimbursements	6,500
	Net appropriation	314,833
	36—For support of Division of Collection Agencies, Secretary of State's Office, payable from the Collection Agency Fund, in accordance with the following schedule	46,955
	Schedule:	
	(a) Salaries and Wages	30,789
	(b) Operating Expenses and Equipment	16,166
	Total of schedule	46,955
	AGRICULTURE	
Department of Agriculture	37—For support of Department of Agriculture and the State Livestock Sanitary Committee, in accordance with the following schedule	6,958,729
	Schedule:	
	(a) Salaries and Wages	5,678,649
	(b) Operating Expenses and Equipment	1,945,951
	Total of schedule	7,624,600
	Less estimated reimbursements	665,871
	Net appropriation	6,958,729
	38—For cooperation with the Federal Government in marketing research under the provisions of Public Law 733 (Seventy-ninth Congress) and Section 1286 of the Agricultural Code, Department of Agriculture	72,500
	39—For support of Department of Agriculture, payable from the Department of Agriculture Fund, in accordance with the following schedule	6,126,918

Item		Amount	
Schedule:			
(a) Salaries and Wages	4,229,069		
(b) Operating Expenses and Equipment	1,901,349		
Total of schedule	6,130,418		
Less estimated reimbursements	3,500		
Net appropriation	6,126,918		
40—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		145,217	Poultry Improvement Commission
Schedule:			
(a) Salaries and Wages	70,140		
(b) Operating Expenses and Equipment	76,632		
Total of schedule	146,772		
Less estimated reimbursements	1,555		
Net appropriation	145,217		
41—For augmentation of the Poultry Testing Project Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code to be transferred by the State Controller to the Poultry Testing Project Fund.		90,176	Poultry Testing Project Fund
CORRECTIONS			
42—For support of Departmental Administration, and Board of Corrections, Department of Corrections, in accordance with the following schedule		637,038	Department of Corrections
Schedule:			
(a) Salaries and Wages	532,508		
(b) Operating Expenses and Equipment	104,530		
Total of schedule	637,038		
43—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3300.4 and 3300.46 of the Health and Safety Code in accordance with the provisions of Section 26749 of the Government Code		66,600	

Item		Amount
	44—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Section 1557 of the Penal Code	198,800
	45—For court costs and county charges, payable under Section 4700 of the Penal Code, in connection with trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections	25,000
Medical Facility	46—For support of the Medical Facility, Department of Corrections, in accordance with the following schedule	3,235,256
	Schedule:	
	(a) Salaries and Wages 2,388,543	
	(b) Operating Expenses and Equipment 986,883	
	(c) Inmate Pay-work Projects 12,650	
	Total of schedule 3,388,076	
	Less estimated reimbursements 152,820	
	Net appropriation 3,235,256	
	47—For purchase of materials and supplies to provide initial inventory for reception-guidance center, for expenses of moving and relocating employees and their belongings, and for the expense of refinishing furniture to be transferred, Medical Facility, Department of Corrections	20,180
Men's Colony	48—For support of California Men's Colony, Department of Corrections, in accordance with the following schedule	1,697,026
	Schedule:	
	(a) Salaries and Wages 1,051,694	
	(b) Operating Expenses and Equipment 652,052	
	(c) Inmate Pay-work Projects 9,780	
	Total of schedule 1,713,526	
	Less estimated reimbursements 16,500	
	Net appropriation 1,697,026	
Institution for Men	49—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule	4,266,918
	Schedule:	
	(a) Salaries and Wages 2,947,023	
	(b) Operating Expenses and Equipment 1,680,005	

Item		Amount	
(c) Inmate Pay-work Projects	118,115		
Total of schedule	4,745,143		
Less estimated reimbursements	478,225		
Net appropriation	4,266,918		
50—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule		3,097,173	State prisons Folsom
Schedule:			
(a) Salaries and Wages	2,092,769		
(b) Operating Expenses and Equipment	1,318,829		
(c) Inmate Pay-work Projects	87,930		
Total of schedule	3,499,528		
Less estimated reimbursements	402,355		
Net appropriation	3,097,173		
51—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		4,844,392	San Quentin
Schedule:			
(a) Salaries and Wages	2,969,716		
(b) Operating Expenses and Equipment	2,223,946		
(c) Inmate Pay-work Projects	100,180		
Total of schedule	5,293,842		
Less estimated reimbursements	449,450		
Net appropriation	4,844,392		
52—For support of California State Prison at Soledad, Department of Corrections, in accordance with the following schedule		3,079,473	Soledad
Schedule:			
(a) Salaries and Wages	1,967,807		
(b) Operating Expenses and Equipment	1,311,021		
(c) Inmate Pay-work Projects	56,985		
Total of schedule	3,335,813		
Less estimated reimbursements	256,340		
Net appropriation	3,079,473		
53—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		2,627,922	Deuel Vocational Institution

Item		Amount
	Schedule:	
	(a) Salaries and Wages	1,859,232
	(b) Operating Expenses and Equipment	794,605
	(c) Inmate Pay-work Projects	8,820
	Total of schedule	2,662,657
	Less estimated reimbursements	34,735
	Net appropriation	2,627,922
Institution for Women	54—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule	1,125,149
	Schedule:	
	(a) Salaries and Wages	747,515
	(b) Operating Expenses and Equipment	387,321
	(c) Inmate Pay-work Projects	5,898
	Total of schedule	1,140,734
	Less estimated reimbursements	15,585
	Net appropriation	1,125,149
Adult Authority	55—For support of Adult Authority, Department of Corrections, in accordance with the following schedule	1,756,393
	Schedule:	
	(a) Salaries and Wages	1,389,613
	(b) Operating Expenses and Equipment	380,415
	Total of schedule	1,770,028
	Less estimated reimbursements	13,635
	Net appropriation	1,756,393
Board of Trustees, Institution for Women	56—For support of Board of Trustees, California Institution for Women, Department of Corrections, in accordance with the following schedule	149,908
	Schedule:	
	(a) Salaries and Wages	101,255
	(b) Operating Expenses and Equipment	49,438
	Total of schedule	150,693
	Less estimated reimbursements	785
	Net appropriation	149,908

YOUTH AUTHORITY

Item		Amount	
57—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		2,391,936	Department of Youth Authority
Schedule:			
(a) Salaries and Wages	1,738,221		
(b) Operating Expenses and Equipment	656,195		
Total of Schedule	2,394,416		
Less estimated reimbursements	2,480		
Net appropriation	2,391,936		
58—For per diem and other necessary expenses in connection with consulting services and conferences of the California Youth Committee, created pursuant to Section 1520 of the Military and Veterans Code		4,000	
59—For deportation of nonresidents committed to the Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		34,000	
60—For transportation of persons committed to the Department of the Youth Authority to or between its facilities, including the return of parole violators		62,500	
61—For maintenance of persons committed to the Department of the Youth Authority and paroled to the custody of private homes		140,000	
62—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		918,173	Reception Centers: Northern California
Schedule:			
(a) Salaries and Wages	712,501		
(b) Operating Expenses and Equipment	211,447		
Total of schedule	923,948		
Less estimated reimbursements	5,775		
Net appropriation	918,173		
63—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,255,198	Southern California

	Item		Amount
	Schedule:		
	(a) Salaries and Wages	969,859	
	(b) Operating Expenses and Equipment	293,834	
	Total of schedule	1,263,693	
	Less estimated reimbursements	8,495	
	Net appropriation	1,255,198	
Youth Authority Camps	64—For support of Youth Authority Camps, Department of the Youth Authority, in accordance with the following schedule		356,929
	Schedule:		
	(a) Salaries and Wages	340,558	
	(b) Operating Expenses and Equipment	239,009	
	(c) Inmate Pay-work Projects	37,895	
	Total of schedule	617,462	
	Less estimated reimbursements	260,533	
	Net appropriation	356,929	
Fricot Ranch School	65—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		544,548
	Schedule:		
	(a) Salaries and Wages	408,699	
	(b) Operating Expenses and Equipment	148,849	
	Total of schedule	557,548	
	Less estimated reimbursements	13,000	
	Net appropriation	544,548	
Fred C. Nelles School	66—For support of the Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		967,937
	Schedule:		
	(a) Salaries and Wages	787,345	
	(b) Operating Expenses and Equipment	210,707	
	Total of schedule	998,052	
	Less estimated reimbursements	30,115	
	Net appropriation	967,937	
Paso Robles School	67—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,029,664

Item		Amount	
Schedule:			
(a) Salaries and Wages	784,860		
(b) Operating Expenses and Equipment	251,004		
Total of schedule	1,035,864		
Less estimated reimbursements	6,200		
Net appropriation	1,029,664		
68—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		1,979,688	Preston School of Industry
Schedule:			
(a) Salaries and Wages	1,564,875		
(b) Operating Expenses and Equipment	511,194		
Total of schedule	2,076,069		
Less estimated reimbursements	96,381		
Net appropriation	1,979,688		
69—For support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		873,528	Los Guilucos School
Schedule:			
(a) Salaries and Wages	662,172		
(b) Operating Expenses and Equipment	217,301		
Total of schedule	879,473		
Less estimated reimbursements	5,945		
Net appropriation	873,528		
70—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		759,921	Ventura School
Schedule:			
(a) Salaries and Wages	607,548		
(b) Operating Expenses and Equipment	160,763		
Total of schedule	768,311		
Less estimated reimbursements	8,390		
Net appropriation	759,921		
EDUCATION			
71—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		3,122,135	Department of Education

Item		Amount
	Schedule:	
	(a) Salaries and Wages 2,617,623	
	(b) Operating Expenses and Equipment 878,312	
	Total of schedule 3,495,935	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 311,800	
	(d) Amount payable from State School Building Aid Fund (Item 72) 62,000	
	Net appropriation 3,122,135	
	72—For additional support of Department of Education, payable from the State School Building Aid Fund	62,000
	73—For payment of the State's share of the operating costs of the Western Interstate Commission for Higher Education, Department of Education	7,000
Vocational education	74—For vocational education, Department of Education, in lieu of the appropriations made by Education Code Sections 5705, 5706, and 9161 ..... to be transferred to the Vocational Education Fund upon order of the State Controller. At the end of the fiscal year, any unencumbered balance of money so transferred shall revert to the General Fund to the credit of this item. Notwithstanding any other provision of law, expenditures from the appropriation made by this item are subject to the provisions of Section 18004 of the Government Code.	748,577
Vocational rehabilitation	75—For vocational rehabilitation, Department of Education, in accordance with the following schedule	1,845,115
	Schedule:	
	(a) Salaries and Wages 1,587,955	
	(b) Operating Expenses and Equipment 2,759,266	
	Total of schedule 4,347,221	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 21,729	
	(d) Federal grants 2,480,377	
	Net appropriation 1,845,115	
	provided, that of the amount appropriated by this item $16,000 is exempt from the provi-	

Item		Amount	
sions of Section 12 of this act and may be expended for purchase of equipment or supplies for cafeteria-type blind vending stands in state office buildings.			
76—For support of Division of Libraries, Department of Education, and Board of Library Examiners, in accordance with the following schedule		685,479	Division of Libraries
Schedule:			
(a) Salaries and Wages	524,119		
(b) Operating Expenses and Equipment	166,510		
Total of schedule	690,629		
Less estimated reimbursements	5,150		
Net appropriation	685,479		
77—For support of Chico State College, in accordance with the following schedule		2,056,965	State Colleges Chico
Schedule:			
(a) Salaries and Wages	1,957,861		
(b) Operating Expenses and Equipment	328,677		
Total of schedule	2,286,538		
Less estimated reimbursements	229,573		
Net appropriation	2,056,965		
78—For additional support, Chico State College, payable from the State College Fund, in accordance with the following schedule		55,105	
Schedule:			
(a) Salaries and Wages	41,893		
(b) Operating Expenses and Equipment	13,212		
Net appropriation	55,105		
79—For support of Fresno State College, in accordance with the following schedule		3,393,895	Fresno
Schedule:			
(a) Salaries and Wages	3,340,407		
(b) Operating Expenses and Equipment	607,034		
Total of schedule	3,947,441		
Less estimated reimbursements	553,546		
Net appropriation	3,393,895		
80—For additional support, Fresno State College, payable from the State College Fund, in accordance with the following schedule		480,655	

Item		Amount
	Schedule:	
	(a) Salaries and Wages 365,124	
	(b) Operating Expenses and Equipment 124,226	
	Total of schedule 489,350	
	Less estimated reimbursements 8,695	
	Net appropriation 480,655	
Humboldt	81—For support of Humboldt State College, in accordance with the following schedule	1,610,486
	Schedule:	
	(a) Salaries and Wages 1,423,949	
	(b) Operating Expenses and Equipment 311,971	
	Total of schedule 1,735,920	
	Less estimated reimbursements 125,434	
	Net appropriation 1,610,486	
Long Beach	82—For support of Long Beach State College, in accordance with the following schedule	3,169,886
	Schedule:	
	(a) Salaries and Wages 3,212,798	
	(b) Operating Expenses and Equipment 533,625	
	Total of schedule 3,746,423	
	Less estimated reimbursements 576,537	
	Net appropriation 3,169,886	
	82.5—For additional support, Long Beach State College	66,000
	In making this appropriation, it is the intention of the Legislature to establish an off-campus center in Orange County restricted to an instructional program in upper division education courses leading to an elementary teaching credential.	
Los Angeles	83—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule	4,149,482
	Schedule:	
	(a) Salaries and Wages 3,942,224	
	(b) Operating Expenses and Equipment 855,113	
	Total of schedule 4,797,337	
	Less estimated reimbursements 647,855	
	Net appropriation 4,149,482	

Item		Amount	
84—For support of Sacramento State College, in accordance with the following schedule		2,514,850	Sacramento
Schedule:			
(a) Salaries and Wages	2,471,748		
(b) Operating Expenses and Equipment	409,472		
Total of schedule	2,881,220		
Less estimated reimbursements	366,370		
Net appropriation	2,514,850		
85—For support of San Diego State College, in accordance with the following schedule		4,503,751	San Diego
Schedule:			
(a) Salaries and Wages	4,472,526		
(b) Operating Expenses and Equipment	694,320		
Total of schedule	5,166,846		
Less estimated reimbursements	663,095		
Net appropriation	4,503,751		
86—For support of San Francisco State College, in accordance with the following schedule		4,622,708	San Francisco
Schedule:			
(a) Salaries and Wages	4,755,248		
(b) Operating Expenses and Equipment	866,525		
Total of schedule	5,621,773		
Less estimated reimbursements	999,065		
Net appropriation	4,622,708		
87—For support of San Jose State College, in accordance with the following schedule		6,470,129	San Jose
Schedule:			
(a) Salaries and Wages	6,390,710		
(b) Operating Expenses and Equipment	999,733		
Total of schedule	7,390,443		
Less estimated reimbursements	920,314		
Net appropriation	6,470,129		
88—For support, California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code, in accordance with the following schedule		3,803,683	California State Polytechnic

Item		Amount
	Schedule:	
	(a) Salaries and Wages	4,184,203
	(b) Operating Expenses and Equipment	918,933
	Total of schedule	5,103,136
	Less estimated amounts available from other sources:	
	(c) Reimbursements	452,091
	(d) Amount payable from Item 89	847,362
	Net appropriation	3,803,683
	89—For additional support, California State Polytechnic College to be transferred to Item 88 by the State Controller.	847,362
California Maritime Academy	90—For support of California Maritime Academy, in accordance with the following schedule	352,183
	Schedule:	
	(a) Salaries and Wages	331,005
	(b) Operating Expenses and Equipment	154,535
	Total of schedule	485,540
	Less estimated amounts available from other sources:	
	(c) Reimbursements	108,357
	(d) Federal grants	25,000
	Net appropriation	352,183
School for Blind	91—For support of California School for the Blind, in accordance with the following schedule	494,228
	Schedule:	
	(a) Salaries and Wages	416,646
	(b) Operating Expenses and Equipment	112,485
	Total of schedule	529,131
	Less estimated reimbursements	34,903
	Net appropriation	494,228
Schools for Deaf Berkeley	92—For support of California School for the Deaf, Berkeley, in accordance with the following schedule	1,218,967

Item		Amount	
Schedule:			
(a) Salaries and Wages	995,134		
(b) Operating Expenses and Equipment	272,948		
Total of schedule	1,268,082		
Less estimated reimbursements	49,115		
Net appropriation	1,218,967		
93—For support of California School for the Deaf, Riverside, in accordance with the following schedule		1,224,507	Riverside
Schedule:			
(a) Salaries and Wages	1,010,993		
(b) Operating Expenses and Equipment	237,601		
Total of schedule	1,248,594		
Less estimated reimbursements	24,087		
Net appropriation	1,224,507		
94—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule		359,431	Cerebral Palsied Children Northern California
Schedule:			
(a) Salaries and Wages	307,217		
(b) Operating Expenses and Equipment	55,201		
Total of schedule	362,418		
Less estimated reimbursements	2,987		
Net appropriation	359,431		
95—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		314,988	Southern California
Schedule:			
(a) Salaries and Wages	265,735		
(b) Operating Expenses and Equipment	53,153		
Total of schedule	318,888		
Less estimated reimbursements	3,900		
Net appropriation	314,988		
96—For support of Oakland Orientation Center, in accordance with the following schedule		303,739	Oakland Orientation Center

	Item		Amount
	Schedule:		
	(a) Salaries and Wages	239,311	
	(b) Operating Expenses and Equipment	91,978	
	Total of schedule	331,289	
	Less estimated reimbursements	27,550	
	Net appropriation	303,739	
Industries for Blind Centers Los Angeles	97—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule		123,292
	Schedule:		
	(a) Salaries and Wages	99,308	
	(b) Operating Expenses and Equipment	23,984	
	Total of schedule	123,292	
Oakland	98—For support of Oakland Center, California Industries for the Blind, in accordance with the following schedule		101,826
	Schedule:		
	(a) Salaries and Wages	58,746	
	(b) Operating Expenses and Equipment	43,080	
	Total of schedule	101,826	
San Diego	99—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule		52,256
	Schedule:		
	(a) Salaries and Wages	38,915	
	(b) Operating Expenses and Equipment	13,341	
	Total of schedule	52,256	
Teachers' Retirement System	100—For support of State Teachers' Retirement System, in accordance with the following schedule		232,960
	Schedule:		
	(a) Salaries and Wages	184,444	
	(b) Operating Expenses and Equipment	48,516	
	Total of schedule	232,960	
State Scholarship Commission	101—For support of the State Scholarship Commission, in accordance with the following schedule		616,939

Item		Amount	
Schedule:			
(a) Salaries and Wages	23,990		
(b) Operating Expenses and Equipment	592,949		
Total of schedule	616,939		
102—For support of University of California, exempt from Section 23 of this act		78,009,863	University of California
103—For spotted alfalfa aphid control research, University of California, payable from any money in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 23 of this act		53,792	Alfalfa aphid research
104—For khapra beetle control research, University of California, payable from any money in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 23 of this act		43,812	Khapra beetle research
105—For fruit fly investigations, University of California, payable from any money in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 23 of this act		37,218	Fruit fly investigations
106—For support of Hastings College of Law, exempt from Section 23 of this act		49,000	Hastings College of Law
106.4—For support and carrying on of research relating to the reduction of sea water suitable for domestic and agricultural uses in mass quantities at low cost, University of California, exempt from Section 23 of this act		50,000	Sea water research
106.5—For study of the educational and research needs of the real estate industry in California payable from the Real Estate Education and Research Fund to be allocated by the Department of Finance in the amounts as it finds necessary, to the Department of Education and the University of California.		31,000	Real estate study
FISCAL AFFAIRS			
107—For support of State Board of Control, in accordance with the following schedule		24,345	Board of Control

Item		Amount
	Schedule:	
	(a) Salaries and Wages	11,850
	(b) Operating Expenses and Equipment	12,495
	Total of schedule	24,345
Controller	108—For support of the State Controller, in accordance with the following schedule	2,647,870
	Schedule:	
	(a) Salaries and Wages	2,833,597
	(b) Operating Expenses and Equipment	803,625
	Total of schedule	3,637,222
	Less estimated amounts available from other sources:	
	(c) Reimbursements	56,873
	(d) Amount payable from the Postwar Unemployment and Construction Fund (Item 109)	5,983
	(e) Amount payable from the State School Building Aid Fund (Item 110)	114,454
	(f) Amount payable from the Motor Vehicle Fuel Fund (Item 111)	492,098
	(g) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 112)	139,402
	(h) Amount payable from the State Redemption Tax Fund (Item 113)	180,542
	Net appropriation	2,647,870
	109—For additional support of State Controller, payable from the Postwar Unemployment and Construction Fund	5,983
	110—For additional support of State Controller, payable from the State School Building Aid Fund	114,454
	111—For additional support of State Controller, payable from the Motor Vehicle Fuel Fund	492,098
	112—For additional support of State Controller, payable from the Motor Vehicle Transportation Tax Fund	139,402
	113—For additional support of State Controller, payable from the State Redemption Tax Fund	180,542
Board of Equalization	114—For support of State Board of Equalization, in accordance with the following schedule	10,603,684

Item		Amount	
Schedule:			
(a) Salaries and Wages	12,176,623		
(b) Operating Expenses and Equipment	2,196,732		
Total of schedule	14,373,355		
Less estimated amounts available from other sources:			
(c) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 115)	417,472		
(d) For mapping services to counties, services to Department of Alcoholic Beverage Control, services to counties in connection with uniform local sales and use tax, and services to other state and public agencies	3,352,199		
Net appropriation	10,603,684		
115—For support of Division of Highway Taxes, State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund, in accordance with the following schedule		900,725	Division of Highway Taxes
Schedule:			
(a) Salaries and Wages	1,163,704		
(b) Operating Expenses and Equipment	577,000		
Total of schedule	1,740,704		
Less estimated amounts available from other sources:			
(c) Amount payable from the Itinerant Merchants Fund (Item 116)	25,000		
(d) Amount payable from the Motor Vehicle Fuel Fund (Item 117)	814,979		
Net appropriation	900,725		
116—For additional support of Division of Highway Taxes, State Board of Equalization, payable from the Itinerant Merchants Fund		25,000	
117—For additional support of Division of Highway Taxes, State Board of Equalization, payable from the Motor Vehicle Fuel Fund		814,979	
118—For support of Department of Finance, in accordance with the following schedule		6,585,815	Department of Finance

Item		Amount
Schedule:		
(a) Salaries and Wages	7,987,937	
(b) Operating Expenses and Equipment	2,636,709	
Total of schedule	10,624,646	
Less estimated amounts available from other sources:		
(c) Reimbursements	3,229,790	
(d) Amount payable from Fair and Exposition Fund (Item 119)	185,344	
(e) Amount payable from the Postwar Unemployment and Construction Fund (Item 120)	15,368	
(f) Amount payable from the State School Building Aid Fund (Item 121)	608,329	
Net appropriation	6,585,815	
119—For additional support of Department of Finance, payable from the Fair and Exposition Fund		185,344
120—For additional support of Department of Finance, payable from the Postwar Unemployment and Construction Fund		15,368
121—For additional support of Department of Finance, payable from the State School Building Aid Fund		608,329
122—For payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for premiums for automobile liability insurance, Department of Finance, in accordance with the following schedule		250,555
Schedule:		
(a) Operating Expenses	561,090	
Less estimated reimbursements	310,535	
Net appropriation	250,555	
123—For the purchase of insurance to insure the liability of the State and its officers and employees for damage or injury to persons or property resulting from the dangerous or defective condition of state-owned or -controlled property, under the jurisdiction of the Department of Finance, Department of Finance		2,500
State burying ground 124—For maintenance of the state burying ground in San Mateo County, known as the Union Cemetery, as provided by Chapter 1096 and		

Item		Amount	
Chapter 1238, Statutes of 1947, Department of Finance		2,000	
125—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund		2,137,980	California State Fair and Exposition State Fair Fund
126—For augmentation of the State Fair Fund payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		488,900	
to be transferred to the State Fair Fund by the State Controller.			
127—For support of Sixth District Agricultural Association, Fairs and Expositions Division, Department of Finance, payable from the Sixth District Agricultural Association Fund, in accordance with the following schedule		192,561	Sixth District Agricultural Association
Schedule:			
(a) Salaries and Wages	141,472		
(b) Operating Expenses and Equipment	51,089		
Total of schedule	192,561		
128—For augmentation of the Sixth District Agricultural Association Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		135,000	
to be transferred to the Sixth District Agricultural Association Fund by the State Controller.			
129—For support of the Fairs Classification Committee, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		1,500	
130—For support of State Lands Division, State Lands Commission, Department of Finance, payable from the State Lands Act Fund, in accordance with the following schedule		741,656	State Lands Division
Schedule:			
(a) Salaries and Wages	525,224		
(b) Operating Expenses and Equipment	240,113		
Total of schedule	765,337		

Item		Amount
	Less estimated reimbursements	23,681
	Net appropriation	741,656
Franchise Tax Board	131—For support of Franchise Tax Board, in accordance with the following schedule	5,734,811
	Schedule:	
	(a) Salaries and Wages	4,845,650
	(b) Operating Expenses and Equipment	889,161
	Total of schedule	5,734,811
State Treasurer	132—For support of the State Treasurer, in accordance with the following schedule	368,522
	Schedule:	
	(a) Salaries and Wages	239,855
	(b) Operating Expenses and Equipment	152,667
	Total of schedule	392,522
	Less estimated reimbursements	24,000
	Net appropriation	368,522

HIGHWAY PATROL

Highway Patrol	133—For support of the Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule	21,869,042
	provided, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary.	
	Schedule:	
	(a) Salaries and Wages	15,611,664
	(b) Operating Expenses and Equipment	6,408,098
	Total of schedule	22,019,762
	Less estimated reimbursements	150,720
	Net appropriation	21,869,042

Item		Amount	
134—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $100,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.			
INDUSTRIAL RELATIONS			
135—For support of Department of Industrial Relations, in accordance with the following schedule		7,802,491	Department of Industrial Relations
Schedule:			
(a) Salaries and Wages	6,332,960		
(b) Operating Expenses and Equipment	1,545,957		
Total of schedule	7,878,917		
Less estimated reimbursements	76,426		
Net appropriation	7,802,491		
136—For support of State Fire Marshal, in accordance with the following schedule		374,426	State Fire Marshal
Schedule:			
(a) Salaries and Wages	313,662		
(b) Operating Expenses and Equipment	95,066		
Total of schedule	408,728		
Less estimated amounts available from other sources:			
(c) Reimbursements	21,223		
(d) Amount payable from Fair and Exposition Fund (Item 137)	13,079		
Net appropriation	374,426		
137—For additional support of the State Fire Marshal, payable from any moneys in the Fair and Exposition Fund available for capital outlay purposes under paragraph (c) of Section 19626 of the Business and Professions Code		13,079	

JUSTICE

Item		Amount
Department of Justice	138—For support of Department of Justice, in accordance with the following schedule	4,673,069
	Schedule:	
	(a) Salaries and Wages 4,074,332	
	(b) Operating Expenses and Equipment 1,232,490	
	Total of schedule 5,306,822	
	Less estimated reimbursements 633,753	
	Net appropriation 4,673,069	
	139—For fees to special counsel employed pursuant to Section 12520 of the Government Code, Department of Justice	2,500
	140—For litigation and legal services in connection with activities of the Colorado River Board of California, Department of Justice	751,088

MENTAL HYGIENE

Department of Mental Hygiene	141—For support of Department of Mental Hygiene, in accordance with the following schedule	2,960,310
	Schedule:	
	(a) Salaries and Wages 2,364,378	
	(b) Operating Expenses and Equipment 595,932	
	Total of schedule 2,960,310	
	142—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene, in accordance with the following schedule	75,530
	Schedule:	
	(a) Operating Expenses 137,327	
	Less estimated reimbursements 61,797	
	Net appropriation 75,530	
	143—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene	114,200
Family care	144—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 and Section 7012.5 of the Welfare and Institutions Code, Department of Mental Hygiene	937,125

Item			Amount	
145—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance			200,000	
The appropriation made by this item shall remain available for allocation, reallocation, and expenditure until June 30, 1960.				
And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.				
146—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule			635,625	Outpatient clinics
Schedule:				
(a) Salaries and Wages		649,382		
(b) Operating Expenses and Equipment		245,199		
Total of schedule		894.581		
Less estimated reimbursements		258,956		
Net appropriation		635,625		
147—For support of the Langley Porter Clinic at San Francisco, in accordance with the following schedule			1,361,892	Langley Porter Clinic
Schedule:				
(a) Salaries and Wages		1,151,238		
(b) Operating Expenses and Equipment		221,994		
Total of schedule		1,373,232		
Less estimated reimbursements		11,340		
Net appropriation		1,361,892		
148—For support of the Neuropsychiatric Institute at University of California, Los Angeles, Department of Mental Hygiene, in accordance with the following schedule			311,024	Neuropsychiatric Institute
Schedule:				
(a) Salaries and Wages		258,574		
(b) Operating Expenses and Equipment		52,450		
Total of schedule		311,024		
149—For support of Agnews State Hospital, in accordance with the following schedule			7,254,422	State hospitals: Agnews

Item		Amount
	Schedule:	
	(a) Salaries and Wages 5,620,141	
	(b) Operating Expenses and Equipment 1,719,459	
	Total of schedule 7,339,600	
	Less estimated reimbursements 85,178	
	Net appropriation 7,254,422	
Atascadero	150—For support of Atascadero State Hospital, in accordance with the following schedule	2,420,721
	Schedule:	
	(a) Salaries and Wages 1,921,036	
	(b) Operating Expenses and Equipment 533,659	
	Total of schedule 2,454,695	
	Less estimated reimbursements 33,974	
	Net appropriation 2,420,721	
Camarillo	151—For support of Camarillo State Hospital, in accordance with the following schedule	10,413,204
	Schedule:	
	(a) Salaries and Wages 8,000,567	
	(b) Operating Expenses and Equipment 2,603,398	
	Total of schedule 10,603,965	
	Less estimated reimbursements 190,761	
	Net appropriation 10,413,204	
DeWitt	152—For support of DeWitt State Hospital, in accordance with the following schedule	4,793,952
	Schedule:	
	(a) Salaries and Wages 3,450,813	
	(b) Operating Expenses and Equipment 1,412,471	
	Total of schedule 4,863,284	
	Less estimated reimbursements 69,332	
	Net appropriation 4,793,952	
Mendocino	153—For support of Mendocino State Hospital, in accordance with the following schedule	4,332,094
	Schedule:	
	(a) Salaries and Wages 3,251,475	
	(b) Operating Expenses and Equipment 1,153,509	
	Total of schedule 4,404,984	

Item		Amount	
Less estimated reimbursements	72,890		
Net appropriation	4,332,094		
154—For support of Metropolitan State Hospital, in accordance with the following schedule		5,351,603	Metropolitan
Schedule:			
(a) Salaries and Wages	4,305,963		
(b) Operating Expenses and Equipment	1,123,486		
Total of schedule	5,429,449		
Less estimated reimbursements	77,846		
Net appropriation	5,351,603		
155—For support of Modesto State Hospital, in accordance with the following schedule		5,500,582	Modesto
Schedule:			
(a) Salaries and Wages	4,022,218		
(b) Operating Expenses and Equipment	1,539,749		
Total of schedule	5,561,967		
Less estimated reimbursements	61,385		
Net appropriation	5,500,582		
156—For support of Napa State Hospital, in accordance with the following schedule		9,111,989	Napa
Schedule:			
(a) Salaries and Wages	7,003,910		
(b) Operating Expenses and Equipment	2,219,144		
Total of schedule	9,223,054		
Less estimated reimbursements	111,065		
Net appropriation	9,111,989		
157—For support of Patton State Hospital, in accordance with the following schedule		7,460,444	Patton
Schedule:			
(a) Salaries and Wages	5,848,543		
(b) Operating Expenses and Equipment	1,687,087		
Total of schedule	7,535,630		
Less estimated reimbursements	75,186		
Net appropriation	7,460,444		
158—For support of Stockton State Hospital, in accordance with the following schedule		8,134,232	Stockton

Item		Amount
	Schedule:	
	(a) Salaries and Wages 6,404,950	
	(b) Operating Expenses and Equipment 1,846,198	
	Total of schedule 8,251,148	
	Less estimated reimbursements 116,916	
	Net appropriation 8,134,232	
Fairview	159—For support of Fairview State Hospital, in accordance with the following schedule	705,051
	Schedule:	
	(a) Salaries and Wages 597,572	
	(b) Operating Expenses and Equipment 107,479	
	Total of schedule 705,051	
Pacific	160—For support of Pacific State Hospital, in accordance with the following schedule	6,400,199
	Schedule:	
	(a) Salaries and Wages 4,944,663	
	(b) Operating Expenses and Equipment 1,533,427	
	Total of schedule 6,478,090	
	Less estimated reimbursements 77,891	
	Net appropriation 6,400,199	
Porterville	161—For support of Porterville State Hospital, in accordance with the following schedule	4,774,403
	Schedule:	
	(a) Salaries and Wages 3,666,198	
	(b) Operating Expenses and Equipment 1,150,605	
	Total of schedule 4,816,803	
	Less estimated reimbursements 42,400	
	Net appropriation 4,774,403	
Sonoma	162—For support of Sonoma State Hospital, in accordance with the following schedule	6,807,564
	Schedule:	
	(a) Salaries and Wages 5,380,017	
	(b) Operating Expenses and Equipment 1,498,235	
	Total of schedule 6,878,252	
	Less estimated reimbursements 70,688	
	Net appropriation 6,807,564	

Item		Amount	
163—For support of Alcoholic Rehabilitation Commission, in accordance with the following schedule		704,798	Alcoholic Rehabilitation Commission
Schedule:			
(a) Salaries and Wages	59,482		
(b) Operating Expenses and Equipment	645,316		
Total of schedule	704,798		

MILITARY AFFAIRS

164—For support of the Military Department, exclusive of the California Cadet Corps, in accordance with the following schedule provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the Federal Government.		2,639,028	Military Department
Schedule:			
(a) Salaries and Wages	1,773,949		
(b) Operating Expenses and Equipment	1,215,263		
Total of schedule	2,989,212		
Less estimated reimbursements	350,184		
Net appropriation	2,639,028		
165—For maintenance of California Cadet Corps, Military Department, in accordance with the following schedule		359,352	Cadet Corps
Schedule:			
(a) Salaries and Wages	119,300		
(b) Operating Expenses and Equipment	240,052		
Total of schedule	359,352		

MOTOR VEHICLES

166—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		19,193,453	Department of Motor Vehicles

Item		Amount
	Schedule:	
	(a) Salaries and Wages	17,641,642
	(b) Operating Expenses and Equipment	5,036,954
	Total of schedule	22,678,596
	Less estimated amounts available from other sources:	
	(c) Reimbursements	344,612
	(d) Amount payable from Motor Vehicle License Fee Fund (Item 168)	3,125,531
	(e) Amount payable from General Fund (Item 169)	15,000
	Net appropriation	19,193,453
167	—For purchase of 1961 vehicle license plates, Department of Motor Vehicles, payable from the Motor Vehicle Fund. Progress payments to the manufacturers of the license plates may be made from this item.	884,000
168	—For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund to be transferred to the Motor Vehicle Fund in augmentation of Item 166, as provided by Section 11003 of the Revenue and Taxation Code.	3,125,531
169	—For additional support, Department of Motor Vehicles to be transferred to the Motor Vehicle Fund in augmentation of Item 166 in the amounts ordered by the Department of Finance.	15,000
170	—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.	
	NATURAL RESOURCES	
Department of Fish and Game 171	—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from the Fish and Game Preservation Fund, in accordance with the following schedule	7,741,825

Item			Amount	
Schedule:				
(a) Salaries and Wages		4,680,688		
(b) Operating Expenses and Equipment		3,452,675		
Total of schedule		8,133,363		
Less estimated reimbursements		391,538		
Net appropriation		7,741,825		
172—For cooperation with the Federal Government in the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund			280,274	
173—For cooperation with the Federal Government in fish restoration and management projects under provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund			83,115	
174—For State's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from the Fish and Game Preservation Fund			17,900	Pacific Marine Fisheries Commission
175—For studies and investigations of the kelp beds in the coastal waters of California, Department of Fish and Game, payable from the Fish and Game Preservation Fund			50,000	Kelp research
176—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund			125,000	Commercial fisheries research
177—For support of Division of Administration, Department of Natural Resources, in accordance with the following schedule			357,203	Division of Administration
Schedule:				
(a) Salaries and Wages		416,959		
(b) Operating Expenses and Equipment		101,892		
Total of schedule		518,851		
Less estimated reimbursements		161,648		
Net appropriation		357,203		
178—For Department of Natural Resources exhibit at State Fair, Division of Administration, Department of Natural Resources, payable				

Item			Amount
	from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, in accordance with the following schedule		4,760
	Schedule:		
	(a) State Fair exhibits	7,000	
	Less estimated reimbursements	2,240	
	Net appropriation	4,760	
Division of Beaches and Parks	179—For support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Maintenance Fund, in accordance with the following schedule		523,807
	Schedule:		
	(a) Salaries and Wages	3,582,002	
	(b) Operating Expenses and Equipment	1,859,552	
	Total of schedule	5,441,554	
	Less amounts available from other sources:		
	(c) Reimbursements	117,800	
	(d) Amount payable from the State Park Fund (Item 180)	3,199,964	
	(e) Amount payable from the State Beach Fund (Item 182)	1,599,983	
	Net appropriation	523,807	
	Upon executive order of the Director of Finance, there may be transferred to the State Park Maintenance Fund for credit to this item, any additional amounts appropriated or otherwise made available by law from the State Beach Fund or the State Park Fund for support or maintenance of this division for the 1957-58 Fiscal Year. Of the amounts provided in this item $5,000 is made available for and is specifically limited to a study of the agricultural value of land to assure proper consideration of such values in determining boundaries of proposed acquisition areas.		
	180—For additional support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund, to be transferred by the State Controller to the State Park Maintenance Fund for credit to Item 179		3,199,964
	181—For operation and maintenance of roadside rests, Division of Beaches and Parks, Depart-		

Item		Amount
ment of Natural Resources, payable from the State Park Fund		50,000
182—For additional support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach Fund, to be transferred by the State Controller to the State Park Maintenance Fund for credit to Item 179		1,599,983
183—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule		13,742,006
Schedule:		
(a) Salaries and Wages	11,363,892	
(b) Operating Expenses and Equipment	4,968,088	
Total of schedule	16,331,980	
Less estimated reimbursements	2,589,974	
Net appropriation	13,742,006	
184—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Division of Forestry, Department of Natural Resources, in accordance with the following schedule		1,159,422
Schedule:		
(a) Contra Costa County	3,287	
(b) Kern County	293,149	
(c) Los Angeles County	395,700	
(d) Marin County	92,125	
(e) San Mateo County	91,879	
(f) Santa Barbara County	138,597	
(g) Ventura County	144,685	
Total of schedule	1,159,422	
185—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Division of Forestry, Department of Natural Resources		953,677
provided, that with the approval of the Department of Finance, any amount appropriated by this item may be transferred to Item 183, for the estimated cost of protection of these lands by the Division of Forestry.		
186—For watershed research at the San Dimas Experimental Forest in cooperation with the		

Division of Forestry

Item		Amount
	California Forest and Range Experiment Station of the United States Department of Agriculture, Division of Forestry, Department of Natural Resources	24,000
187	For white pine blister rust control on state and private lands, Division of Forestry, Department of Natural Resources; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459, Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the Federal Government	115,000
188	For emergency fire suppression and detection, Division of Forestry, Department of Natural Resources, which may be transferred to Item 183 upon executive order of the Director of Finance	320,000
189	For forest insect control, Division of Forestry, Department of Natural Resources, to be expended in accordance with Chapter 3 of Division 4 of the Public Resources Code	35,000
190	For wild land vegetation and soil mapping project in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Division of Forestry, Department of Natural Resources	93,555
191	For direct allotment to the United States Weather Bureau, for forecasts of fire weather indices, and for research in fire weather index and modification data for areas containing state responsibility lands, Division of Forestry, Department of Natural Resources	10,000
192	For forest regeneration research, Division of Forestry, Department of Natural Resources	10,000
193	For forest fire research, Division of Forestry, Department of Natural Resources	50,000
Division of Mines 194	For support of Division of Mines, Department of Natural Resources, in accordance with the following schedule and in addition thereto any amounts received from sale of mineral information service are hereby appropriated for expenditure in accordance with this item.	529,211

Item		Amount
Schedule:		
(a) Salaries and Wages	360,618	
(b) Operating Expenses and Equipment	194,743	
Total of schedule	555,361	
Less estimated reimbursements from sale of mineral information service	26,150	
Net appropriation	529,211	
195—For geological exploration in cooperation with United States Geological Survey, Division of Mines, Department of Natural Resources; provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for this purpose		35,000
196—For publication of portions of a state geologic map, Division of Mines, Department of Natural Resources, and in addition any amounts received from sale of state geologic maps, in accordance with the following schedule		25,000
Schedule:		
(a) Operating Expenses	30,000	
Less estimated reimbursements	5,000	
Net appropriation	25,000	
197—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Petroleum and Gas Fund, in accordance with the following schedule		655,429
Schedule:		
(a) Salaries and Wages	490,743	
(b) Operating Expenses and Equipment	165,855	
Total of schedule	656,598	
Less estimated reimbursements	1,169	
Net appropriation	655,429	
198—For support of Division of Soil Conservation, Department of Natural Resources, in accordance with the following schedule		382,825
Schedule:		
(a) Salaries and Wages	191,761	
(b) Operating Expenses and Equipment	193,925	
Total of schedule	385,686	

Geological exploration

Division of Oil and Gas

Division of Soil Conservation

Item		Amount
Less estimated reimbursements	2,861	
Net appropriation	382,825	
199—For the Division of Soil Conservation, Department of Natural Resources, payable from the Soil Conservation Development Fund, to be expended on a matching basis under cooperative agreement with the United States Soil Conservation Service for the operation of the nursery of the latter at Pleasanton		30,000

PUBLIC HEALTH

Department of Public Health

200—For support of Department of Public Health, in accordance with the following schedule		5,269,183
Schedule:		
(a) Salaries and Wages	5,525,655	
(b) Operating Expenses and Equipment	2,141,014	
Total of schedule	7,666,669	
Less estimated amounts available from other sources:		
(c) Reimbursements	558,942	
(d) Estimated grants from the Federal Government or agencies thereof	1,838,544	
Net appropriation	5,269,183	

Tubercular patients

201—For care of recalcitrant tuberculous patients as provided by Section 3300.4 of the Health and Safety Code, Department of Public Health		131,500

PUBLIC WORKS

Department of Public Works

202—For pro-rata support of Departmental Administration, Department of Public Works, in accordance with the following schedule		24,212
Schedule:		
(a) Salaries and Wages	208,704	
(b) Operating Expenses and Equipment	33,411	
Total of schedule	242,115	
Less estimated reimbursements	217,903	
Net appropriation	24,212	

Item			Amount	
203—For support of Division of Architecture, Department of Public Works, and the State Building Standards Commission, in accordance with the following schedule			153,570	Division of Architecture
Schedule:				
(a) Salaries and Wages		121,688		
(b) Operating Expenses and Equipment		63,432		
Total of schedule		185,120		
Less estimated reimbursements		31,550		
Net appropriation		153,570		
204—For support of Division of Architecture, Department of Public Works, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule			1,015,656	
Schedule:				
(a) Salaries and Wages		769,352		
(b) Operating Expenses and Equipment		246,304		
Total of schedule		1,015,656		
205—For support of the California Aeronautics Commission, in accordance with the following schedule			87,079	California Aeronautics Commission
Schedule:				
(a) Salaries and Wages		38,704		
(b) Operating Expenses and Equipment		48,375		
Total of schedule		87,079		
206—For support of Colorado River Boundary Commission, payable from the State Lands Act Fund			25,000	Colorado River Boundary Commission
207—For support of San Francisco Bay Area Rapid Transit Commission			18,935	San Francisco Transit Commission
REGULATION AND LICENSING				
208—For support of the Department of Alcoholic Beverage Control, in accordance with the following schedule			3,084,996	Department of Alcoholic Beverage Control
Schedule:				
(a) Salaries and Wages		2,517,550		
(b) Operating Expenses and Equipment		567,446		
Total of schedule		3,084,996		

Item		Amount
Alcoholic Beverage Control Appeals Board	209—For support of the Alcoholic Beverage Control Appeals Board, in accordance with the following schedule	90,929
	Schedule:	
	(a) Salaries and Wages	68,690
	(b) Operating Expenses and Equipment	22,239
	Total of schedule	90,929
California Districts Securities Commission	210—For support of California Districts Securities Commission, in accordance with the following schedule and in addition thereto any amounts received for services to districts and other agencies.	54,414
	Schedule:	
	(a) Salaries and Wages	50,041
	(b) Operating Expenses and Equipment	12,773
	Total of schedule	62,814
	Less estimated reimbursements for services to districts and other agencies	8,400
	Net appropriation	54,414
California Horse Racing Board	211—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule	163,390
	Schedule:	
	(a) Salaries and Wages	108,134
	(b) Operating Expenses and Equipment	55,256
	Total of schedule	163,390
State Banking Department	212—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule	510,233
	Schedule:	
	(a) Salaries and Wages	408,822
	(b) Operating Expenses and Equipment	101,411
	Total of schedule	510,233
Division of Corporations	213—For support of Division of Corporations, Department of Investment, in accordance with the following schedule	990,239

Item		Amount	
Schedule:			
(a) Salaries and Wages	1,083,138		
(b) Operating Expenses and Equipment	154,801		
Total of schedule	1,237,939		
Less estimated reimbursements	247,700		
Net appropriation	990,239		
214—For support of the Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		1,537,787	Department of Insurance
Schedule:			
(a) Salaries and Wages	1,211,444		
(b) Operating Expenses and Equipment	338,543		
Total of schedule	1,549,987		
Less estimated reimbursements	12,200		
Net appropriation	1,537,787		
215—For support of the Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		1,302,587	Division of Real Estate
Schedule:			
(a) Salaries and Wages	933,020		
(b) Operating Expenses and Equipment	369,567		
Total of schedule	1,302,587		
216—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		350,243	Division of Savings and Loan
Schedule:			
(a) Salaries and Wages	282,396		
(b) Operating Expenses and Equipment	68,197		
Total of schedule	350,593		
Less estimated reimbursements	350		
Net appropriation	350,243		
217—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		56,191	Board of Osteopathic Examiners

Item		Amount
	Schedule:	
	(a) Salaries and Wages	36,704
	(b) Operating Expenses and Equipment	19,487
	Total of schedule	56,191
Boards of Pilot Commissioners San Diego	218—For support of the Board of Pilot Commissioners for the Harbor of San Diego	1,625
San Francisco, etc., Bays	219—For support of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule	13,270
	Schedule:	
	(a) Salaries and Wages	11,940
	(b) Operating Expenses and Equipment	1,330
	Total of schedule	13,270
Division of Administrative Procedure	220—For support of Division of Administrative Procedure, Department of Professional and Vocational Standards, in accordance with the following schedule	175,631
	Schedule:	
	(a) Salaries and Wages	192,141
	(b) Operating Expenses and Equipment	106,806
	Total of schedule	298,947
	Less estimated reimbursements	123,316
	Net appropriation	175,631
State Boards Accountancy	221—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule	177,788
	Schedule:	
	(a) Salaries and Wages	63,815
	(b) Operating Expenses and Equipment	113,973
	Total of schedule	177,788
Architectural Examiners	222—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners Fund, in accordance with the following schedule	70,735

Item		Amount	
Schedule:			
(a) Salaries and Wages	43,890		
(b) Operating Expenses and Equipment	26,845		
Total of schedule	70,735		
223—For support of State Athletic Commission, payable from the Athletic Commission Fund, in accordance with the following schedule		141,156	Athletic Commission
Schedule:			
(a) Salaries and Wages	97,010		
(b) Operating Expenses and Equipment	44,146		
Total of schedule	141,156		
224—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		139,094	Barber Examiners
Schedule:			
(a) Salaries and Wages	83,971		
(b) Operating Expenses and Equipment	55,123		
Total of schedule	139,094		
225—For support of Cemetery Board, Department of Professional and Vocational Standards, payable from Cemetery Fund, in accordance with the following schedule		37,129	Cemetery Board
Schedule:			
(a) Salaries and Wages	19,100		
(b) Operating Expenses and Equipment	18,029		
Total of schedule	37,129		
226—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		74,332	Chiropractic Examiners
Schedule:			
(a) Salaries and Wages	32,250		
(b) Operating Expenses and Equipment	42,082		
Total of schedule	74,332		
227—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		285,767	Registrations for Civil and Professional Engineers

Item		Amount
	Schedule:	
	(a) Salaries and Wages 181,636	
	(b) Operating Expenses and Equipment 104,131	
	Total of schedule 285,767	
Contractors' License	228—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule	815,585
	Schedule:	
	(a) Salaries and Wages 562,078	
	(b) Operating Expenses and Equipment 253,507	
	Total of schedule 815,585	
Cosmetology	229—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule	239,403
	Schedule:	
	(a) Salaries and Wages 142,767	
	(b) Operating Expenses and Equipment 96,636	
	Total of schedule 239,403	
Dental Examiners	230—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule	110,455
	Schedule:	
	(a) Salaries and Wages 68,968	
	(b) Operating Expenses and Equipment 41,487	
	Total of schedule 110,455	
Dry Cleaners	231—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule	197,139
	Schedule:	
	(a) Salaries and Wages 119,168	
	(b) Operating Expenses and Equipment 77,971	
	Total of schedule 197,139	
Funeral Directors and Embalmers	232—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund, in accordance with the following schedule	54,287

Item		Amount	
Schedule:			
(a) Salaries and Wages	29,341		
(b) Operating Expenses and Equipment	24,946		
Total of schedule	54,287		
233—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule		287,417	Furniture and Bedding Inspection
Schedule:			
(a) Salaries and Wages	207,357		
(b) Operating Expenses and Equipment	80,060		
Total of schedule	287,417		
234—For support of State Board of Guide Dogs for the Blind		798	Guide Dogs for Blind
235—For support of California State Board of Landscape Architects, payable from the California State Board of Landscape Architects Fund, in accordance with the following schedule		13,289	
Schedule:			
(a) Salaries and Wages	6,515		
(b) Operating Expenses and Equipment	6,774		
Total of schedule	13,289		
236—For support of State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		266,263	Medical Examiners
Schedule:			
(a) Salaries and Wages	131,362		
(b) Operating Expenses and Equipment	134,901		
Total of schedule	266,263		
237—For additional support of the State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		9,339	

Item		Amount
	Schedule:	
	(a) Salaries and Wages 4,917	
	(b) Operating Expenses and Equipment 4,422	
	Total of schedule 9,339	
	238—For support of State Board of Medical Examiners, payable from the Physical Therapy Fund, in accordance with the following schedule	13,387
	Schedule:	
	(a) Salaries and Wages 8,578	
	(b) Operating Expenses and Equipment 4,809	
	Total of schedule 13,387	
Nurse Examiners	239—For support of Board of Nurse Examiners of the State of California, payable from the Board of Nurse Examiners' Fund, in accordance with the following schedule	188,107
	Schedule:	
	(a) Salaries and Wages 111,675	
	(b) Operating Expenses and Equipment 76,432	
	Total of schedule 188,107	
Optometry	240—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule	39,950
	Schedule:	
	(a) Salaries and Wages 22,014	
	(b) Operating Expenses and Equipment 17,936	
	Total of schedule 39,950	
Pharmacy	241—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule	246,600
	Schedule:	
	(a) Salaries and Wages 154,623	
	(b) Operating Expenses and Equipment 91,977	
	Total of schedule 246,600	
Private Investigators	242—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule	32,927

Item		Amount	
Schedule:			
(a) Salaries and Wages	18,906		
(b) Operating Expenses and Equipment	14,021		
Total of schedule	32,927		
243—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		16,082	Certified Shorthand Reporters
Schedule:			
(a) Salaries and Wages	8,401		
(b) Operating Expenses and Equipment	7,681		
Total of schedule	16,082		
244—For support of the Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		25,128	Social Work Examiners
Schedule:			
(a) Salaries and Wages	14,161		
(b) Operating Expenses and Equipment	10,967		
Total of schedule	25,128		
245—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		60,472	Structural Pest Control
Schedule:			
(a) Salaries and Wages	31,193		
(b) Operating Expenses and Equipment	29,279		
Total of schedule	60,472		
246—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		22,393	Examiners in Veterinary Medicine
Schedule:			
(a) Salaries and Wages	9,125		
(b) Operating Expenses and Equipment	13,268		
Total of schedule	22,393		
247—For support of the Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners Fund, in accordance with the following schedule		47,227	Vocational Nurse Examiners

Item		Amount
	Schedule:	
	(a) Salaries and Wages	27,138
	(b) Operating Expenses and Equipment	20,089
	Total of schedule	47,227
Yacht and Ship Brokers	248—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule	18,588
	Schedule:	
	(a) Salaries and Wages	10,352
	(b) Operating Expenses and Equipment	8,236
	Total of schedule	18,588
Public Utilities Commission	249—For support of the Public Utilities Commission of the State of California, in accordance with the following schedule	2,607,593
	Schedule:	
	(a) Salaries and Wages	3,286,049
	(b) Operating Expenses and Equipment	483,925
	Total of schedule	3,769,974
	Less estimated reimbursements	1,162,381
	Net appropriation	2,607,593
	250—For additional support of the Public Utilities Commission of the State of California, payable from the Transportation Rate Fund, in accordance with the following schedule	2,209,301
	Schedule:	
	(a) Salaries and Wages	832,921
	(b) Operating Expenses and Equipment	1,387,380
	Total of schedule	2,220,301
	Less estimated reimbursements	11,000
	Net appropriation	2,209,301
	SOCIAL WELFARE	
Department of Social Welfare	251—For support of Department of Social Welfare Such appropriation, together with any grants made available by the Federal Government for support of the Department of Social Welfare during the 1957-58 Fiscal Year, in accordance with the following schedule.	2,480,034

Item		Amount	
Schedule:			
(a) Salaries and Wages	2,808,745		
(b) Operating Expenses and Equipment	913,113		
Total of schedule	3,721,858		
Less estimated amounts available from other sources:			
(c) Reimbursements	24,500		
(d) Estimated grants from the Federal Government	1,217,324		
Net appropriation	2,480,034		
252—For support of the Recreation Commission and the Director of Recreation, in accordance with the following schedule		100,325	Recreation Commission
Schedule:			
(a) Salaries and Wages	62,712		
(b) Operating Expenses and Equipment	37,613		
Total of schedule	100,325		
253—For support of the Citizens' Advisory Committee on Aging, in accordance with the following schedule		32,740	Citizens' Advisory Committee on Aging
Schedule:			
(a) Salaries and Wages	19,716		
(b) Operating Expenses and Equipment	13,024		
Net appropriation	32,740		

VETERANS AFFAIRS

254—For support of Department of Veterans Affairs, in accordance with the following schedule		358,201	Department of Veterans Affairs
Schedule:			
(a) Salaries and Wages	350,004		
(b) Operating Expenses and Equipment	120,237		
Total of schedule	470,241		
Less estimated amounts available from other sources:			
(c) From Veterans' Dependents' Education Fund (Item 257)	35,020		
(d) From Veterans' Farm and Home Building Fund of 1943 (Item 259)	77,020		
Net appropriation	358,201		

Item		Amount
Educational assistance	255—For educational assistance to veterans, Department of Veterans Affairs, to be expended under the provisions of Article 2 of Chapter 6 of Division 4 of the Military and Veterans Code	2,888,000
	256—For veterans' claims and rights service, Department of Veterans Affairs, to be expended under the provisions of Section 699.5 of the Military and Veterans Code	574,000
	257—For additional support of Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund to be transferred to the General Fund in augmentation of Item 254.	35,020
	258—For educational assistance to veterans' dependents, Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund to be expended under the provisions of Article 2 of Chapter 4 of Division 4 of the Military and Veterans Code.	330,000
	259—For additional support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 254.	77,020
Veterans' Home	260—For support of Veterans' Home of California, in accordance with the following schedule	2,566,758
	provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.	
	Schedule:	
	(a) Salaries and Wages	2,934,725
	(b) Operating Expenses and Equipment	1,097,933
	Total of schedule	4,032,658
	Less estimated amounts available from other sources:	
	(c) Reimbursements	65,025
	(d) Estimated receipts from Federal Government	1,400,875
	Net appropriation	2,566,758
	261—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, and maintenance of physical facilities, Woman's Relief Corps Home	29,700

WATER RESOURCES

Item		Amount	
262—For support of Department of Water Resources, including cooperative work with other agencies, in accordance with the following schedule		3,720,597	Department of Water Resources
Schedule:			
(a) Salaries and Wages	2,910,209		
(b) Operating Expenses and Equipment	1,281,861		
(c) Contributions to Watermaster Services	57,702		
Total of schedule	4,249,772		
Less estimated amounts available from other sources:			
(d) Payable from State Watermaster Service Fund (Item 267)	109,220		
(e) Reimbursements	419,955		
Net appropriation	3,720,597		
263—For conducting water resources investigations, surveys, and studies, preparing plans and estimates, making reports thereon, and otherwise performing all work and doing all things required relative thereto, Department of Water Resources, in accordance with the following schedule		2,682,418	Water resources investigations, etc.
Schedule:			
(a) State-wide studies and investigations	1,092,385		
(b) San Joaquin Valley drainage study	104,240		
(c) Northeastern counties ground water investigation	75,490		
(d) Inventory of water supplies by areas	298,400		
(e) Upper Pit River investigation	65,299		
(f) Trial distributions	198,775		
(g) Salinity control barriers study	235,799		
(h) Upper Feather River service area study	390,030		
(i) Northeastern counties investigation	10,000		
(j) Salt water intrusion study	112,000		
(k) Shasta Valley study	100,000		
Total of schedule	2,682,418		

Item		Amount
Cooperation with Federal Government	264—For work in cooperation with the Federal Government, Department of Water Resources, to be expended in accordance with the following schedule	869,405
	Schedule:	
	(a) Yuba River debris control	100,000
	(b) Topographic mapping	314,380
	(c) Stream gaging	205,040
	(d) Irrigation investigations	15,830
	(e) Establishment of gaging stations	37,500
	(f) Ground water basin and subsidence studies	91,045
	(g) Development, installation, and rating of an ultrasonic stream measuring station	25,000
	(h) Specific-yield studies	13,110
	(i) Beach erosion investigations	7,500
	(j) Research in snow pack management	60,000
	Total of schedule	869,405
	provided, that any amount withdrawn from this item must be matched by an expenditure of like amount by the Federal Government in this State for this purpose; and further provided, that the amount of (a) in the above schedule shall be available subject to the provisions of Sections 2, 3, and 4 of Chapter 686, Statutes of 1935; provided further, that notwithstanding the provision of Section 15, expenditures from (g) shall be limited to $25,000, and shall not exceed 33 percent of the cost of the project.	
	265—For local cooperative investigations, studies, and reports on water resources, Department of Water Resources	33,250
	provided, that any sums expended from this item shall be matched by a like amount from local agencies or other sources.	
Tule River Basin	265.5—For preparation of a comprehensive plan for development of the water resources of the upper Tule River Basin, Department of Water Resources	35,000
	provided, that any sums expended from this item shall be matched by like amount from local agencies or other sources.	
Special investigations	266—For printing reports on special water resources investigations in Alameda, Lake and San Luis Obispo Counties; Cache Creek in Yolo	

Item			Amount	
	County; the American River, Salinas River, and Santa Ana River Basins, Department of Water Resources		65,500	
267	For additional support of the Department of Water Resources, payable from the State Watermaster Service Fund which sum shall be augmented by the transfer made from the General Fund in accordance with the provisions of Section 4360 of the Water Code.		51,518	
268	For support of Colorado River Board of California, in accordance with the following schedule		276,901	Colorado River Board
	Schedule:			
	(a) Salaries and Wages	152,437		
	(b) Operating Expenses and Equipment	124,464		
	Total of schedule	276,901		
269	For support of the California Klamath River Commission		55,485	Klamath River Commission
270	For support of the California-Nevada Interstate Compact Commission		87,327	California-Nevada Commission
271	For support of Reclamation Board, in accordance with the following schedule		248,810	Reclamation Board
	Schedule:			
	(a) Salaries and Wages	251,555		
	(b) Operating Expenses and Equipment	67,713		
	Total of schedule	319,268		
	Less estimated reimbursements	70,458		
	Net appropriation	248,810		
272	For support of the State Water Pollution Control Board and the regional water pollution control boards, in accordance with the following schedule		633,236	Water Pollution Control Board
	Schedule:			
	(a) Salaries and Wages	352,489		
	(b) Operating Expenses and Equipment	620,555		
	Total of schedule	973,044		
	Less estimated amounts available from other sources:			
	(c) Estimated grants from the Federal Government or agencies thereof	339,808		
	Net appropriation	633,236		

Item		Amount
Water Rights Board	273—For support of State Water Rights Board, and in addition any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule	596,295
	Schedule:	
	(a) Salaries and Wages	461,521
	(b) Operating Expenses and Equipment	174,774
	Total of schedule	636,295
	Less estimated reimbursements	40,000
	Net appropriation	596,295

MISCELLANEOUS

Compensation benefits to state officers and employees	274—For such proportion of the compensation benefits to state officers and employees as in each case the contribution out of the General Fund to the salary of such officer or employee, during the portion of the 1957-58 Fiscal Year prior to the date when the benefit becomes payable, bears to the total salary of such officer or employee during the same period, or for officers and employees of the State paid in whole or in part from the Vocational Education Fund; or for premiums on insurance therefor; or for transfer by the State Controller, in such amounts as the Department of Finance in writing may authorize to any appropriation for support or for other purposes payable from the General Fund, from the Vocational Education Fund from which the cost of such salary is payable. The State Compensation Insurance Fund may withdraw a revolving fund from the appropriation under the provisions of Article 5, Chapter 2, Part 2, Division 4, Title 2 of the Government Code upon the approval of the Department of Finance	1,300,000
Subsequent injury	275—For payment of the additional compensation for subsequent injury provided for by Section 4751 of the Labor Code, Department of Industrial Relations	610,000
Refund of tax payments, etc	276—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516, Government Code	15,000

Item		Amount	
277—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule—		173,902	Claim of Secretary of Board of Control
Schedule:			
(a) General Fund	134,759		
(b) Flood Control Fund of 1946	135		
(c) Alcoholic Beverage Control Fund allocated by Section 25761(a), Business and Professions Code	640		
(d) Fair and Exposition Fund	15		
(e) Fair and Exposition Fund available for capital outlay for fair purposes under the provisions of paragraph (c) of Section 19626, Business and Professions Code	903		
(f) Fish and Game Preservation Fund	1,031		
(g) State Highway Fund	9,872		
(h) State Lands Act Fund	162		
(i) Motor Vehicle Fund	5,565		
(j) Motor Vehicle Fuel Fund	8,735		
(k) Motor Vehicle License Fee Fund	53		
(*l*) State Park Maintenance Fund	281		
(m) State Compensation Insurance Fund	60		
(n) State Employees' Retirement Fund	10,583		
(o) Public Health Fund	310		
(p) Unemployment Administration Fund	680		
(q) Unemployment Compensation Disability Fund	118		
Total of schedule	173,902		
278—The unexpended balance remaining on June 30, 1957, of the appropriation made by Item 273.5, Budget Act of 1955, as amended by Item 287, Budget Act of 1956, is hereby reappropriated for augmentation of Purchasing Revolving Fund, to be transferred by the State Controller in such amounts and for such periods as the Director of Finance may authorize.			
279—For augmentation of Purchasing Revolving Fund to be transferred by the State Controller in		500,000	Purchasing Revolving Fund

Item		Amount
	such amounts and for such periods as the Director of Finance may authorize.	
Correctional Industries Revolving Fund	280—For augmentation of Correctional Industries Revolving Fund ---------- to be transferred in such amounts and for such periods as the Director of Finance may authorize; provided, however, that any amounts withdrawn may be returned to the credit of this appropriation as the Director of Finance may authorize. The appropriation made by this item shall remain available for allocation, reallocation and expenditure until June 30, 1960.	1,000,000
	281—For augmentation of the Purchasing Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of Section 2 of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
Revenue Deficiency Reserve Fund	281.1—For transfer by the State Controller from the Revenue Deficiency Reserve Fund to the General Fund from time to time during the 1957-58 Fiscal Year, in such amounts as are determined by the Governor, Controller and Director of Finance to be necessary or advisable (1) to avoid the issuance of registered warrants under Chapter 2 (commencing at Section 17200) of Part 4 of Division 4 of Title 2 of the Government Code, (2) to minimize borrowing from other funds under Section 16310 of the Government Code, and (3) to maintain the solvency of the General Fund and balance the General Fund budget.	
Polytechnic College Reserve	281.5—To the General Fund in augmentation thereof, all the money in the Polytechnic College Reserve in the State College Fund, provided for by Item 315.5 of the Budget Act of 1953.	

PROVISION FOR SALARY INCREASES

Salary Increase Fund	282—For Salary Increase Fund, to be allocated only on authorization of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their	

Item		Amount
	respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service whose compensation, or a portion thereof, is payable from the General Fund, the increase in compensation provided for in any increased salary range established during the 1956-57 or 1957-58 Fiscal Year by the Personnel Board or other salary-fixing authority----------	12,960,017
	For state officers and employees whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Before the State Personnel Board or other administrative salary-fixing authority establishes any increased salary range during the 1957-58 Fiscal Year, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of the increased salary range; provided, that, except for increases authorized under Section 18853 of the Government Code or by specific statute, increases in compensation provided by increased salary ranges established during the 1957-58 Fiscal Year by the Personnel Board for each state officer or employee in the state civil service whose compensation, or portion thereof, is payable from the General Fund shall not result in total annual salary increases of more than $13,662,822. For purposes of determination of such annual cost, computations may be based upon the number of employees in such classes as of June 30, 1957, as reported by the State Personnel Board. Salary adjustments payable from funds other than the General Fund and salary adjustments fixed by other than the Personnel Board shall be limited so as to provide equitable treatment as to the foregoing limitation.	

Item		Amount
University Salary Increase Fund	282.1—For University Salary Increase Fund to be allocated only on authorization of the Department of Finance to the Regents of the University of California, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including retirement contributions, of increases in compensation provided for in any increased salary range established during the 1956-57 or 1957-58 Fiscal Year by the Regents Allocations to the University of California shall be made by the Department of Finance upon certification by the Regents that proposed salary ranges are substantially comparable to the prevailing rates for comparable services in private business and public employment including the California state service.	5,469,448
	282.2—For Department of Finance..... Of the total amount appropriated hereby two hundred sixty thousand dollars ($260,000) shall be allocated by the Department of Finance to the Department of Education for salaries for academic employees of the several state colleges, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state college academic employee the increase in compensation provided for in any increased salary range established during the 1957-58 Fiscal Year by the Personnel Board or other salary-fixing authority. Before the State Personnel Board or other administrative salary-fixing authority establishes any increased salary range for such employees during the 1957-58 Fiscal Year, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation to meet the cost of the increased salary range. Of the total amount appropriated hereby, seven hundred one thousand dollars ($701,000) shall be allocated by the Department of Finance to the Regents of the University of California, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including retirement contributions, of increases in compensation for academic employees provided for in any	961,000

Item		Amount
	increased salary range established during the 1957-58 Fiscal Year by the regents. Allocations to the University of California shall be made by the Department of Finance upon certification by the regents that proposed salary ranges are substantially comparable to the prevailing rates for comparable services in private business and public employment including the California state service.	

RESERVE FOR CONTINGENCIES

283—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	Emergency Fund	1,500,000
provided, that loans may be made from the Emergency Fund to state agencies which derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.		
283.1—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies, in augmentation of the appropriation made by Item 290, Budget Act of 1956		500,000
provided, that of this amount, $200,000 is available only for allocation to augment Item 41, Budget Act of 1956, for expenses of payment of indemnities for animals destroyed to eradicate sheep scrapie.		
Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1956-57 Fiscal Year.		
284—The unexpended balance of each special fund, exclusive of the Motor Vehicle Fund and State Highway Fund, is hereby appropriated in augmentation of the respective appropriations made from such fund by items of appropriation in this act, to be expended only on written authorization of the Department of Finance, for contingencies for which	Special fund balances	

Item		Amount
	insufficient appropriation has been made by law, payable from the special fund from which such appropriation is made, and in such amount or amounts as the Director of Finance determines is necessary to effectuate the purpose for which the particular appropriation from the fund is made.	

CAPITAL OUTLAY SECTION

AGRICULTURE

Department of Agriculture	285—For major construction, improvements and equipment, Department of Agriculture, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund__	51,150
	Schedule:	
	(a) Construct inspection station at Carpinteria _____ 51,150	
	Total of schedule_____ 51,150	
	286—For minor construction, improvements, repairs and equipment, Department of Agriculture, payable from the Capital Outlay and Savings Fund _____	2,350
Poultry Improvement Commission	287—For minor construction, improvements, repairs and equipment, Poultry Improvement Commission, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code _____	16,600

CORRECTIONS

Department of Corrections Medical Facility	288—For minor construction, improvements, repairs and equipment, Medical Facility, Department of Corrections, payable from the Capital Outlay and Savings Fund_____	7,525
California Men's Colony	289—For major construction, improvements and equipment, California Men's Colony, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund_____	726,600
	Schedule:	
	(a) Construct reservoir and water distribution system (partial cost) _____ 726,600	
	Total of schedule_____ 726,600	

Item		Amount
290—For minor construction, improvements, repairs and equipment, California Men's Colony, Department of Corrections, payable from the Capital Outlay and Savings Fund		64,210
		Institution for Men
291—For major construction, improvements and equipment, California Institution for Men, including Tehachapi Branch, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		455,340
Schedule:		
(a) Enlarge bakery	255,150	
(b) Replace reservoir roof	84,750	
(c) Construct industrial warehouse	42,400	
(d) Construct incoming natural gas transmission lines, internal distribution piping and burner conversions	73,040	
Total of schedule	455,340	
292—For minor construction, improvements, repairs and equipment, California Institution for Men, including Tehachapi Branch, Department of Corrections, payable from the Capital Outlay and Savings Fund		156,245
		Prisons: Folsom
293—For major construction, improvements and equipment, State Prison at Folsom, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		453,860
Schedule:		
(a) Construct industrial warehouse	266,960	
(b) Extend telephone system	77,500	
(c) Construct office building	63,175	
(d) Construct filtration plant	46,225	
Total of schedule	453,860	
294—For minor construction, improvements, repairs and equipment, State Prison at Folsom, Department of Corrections, payable from the Capital Outlay and Savings Fund		98,925
		San Quentin
295—For major construction, improvements and equipment, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		898,925

Item		Amount
	Schedule:	
	(a) Construct isolation-segregation building ---------- 677,600	
	(b) Construct chapel ---------- 161,200	
	(c) Construct addition to maintenance warehouse ---------- 60,125	
	Total of schedule---------- 898,925	
	296—For minor construction, improvements, repairs and equipment, State Prison at San Quentin, Department of Corrections, payable from the Capital Outlay and Savings Fund--	55,870
Soledad	297—For major construction, improvements and equipment, State Prison at Soledad, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund----------	596,400
	Schedule:	
	(a) Install water closets and lavatories in existing cells-- 272,350	
	(b) Additional boiler ---------- 80,200	
	(c) Additional sewage disposal capacity ---------- 60,600	
	(d) Construct sewage effluent holding basin and pipeline-- 78,100	
	(e) Construct addition to dairy- 105,150	
	Total of schedule---------- 596,400	
	298—For minor construction, improvements, repairs and equipment, State Prison at Soledad, Department of Corrections, payable from the Capital Outlay and Savings Fund------	54,010
Deuel Vocational Institution	299—For major construction, improvements and equipment, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund------	2,527,700
	Schedule:	
	(a) Construct reception-guidance center ---------- 2,527,700	
	Total of schedule ---------- 2,527,700	
	300—For minor construction, improvements, repairs and equipment, Deuel Vocational Institution, Department of Corrections, payable from the Capital Outlay and Savings Fund--	36,800

YOUTH AUTHORITY

Item		Amount
		Youth Training School
301—For major construction, improvements and equipment, Youth Training School, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		83,800
Schedule:		
(a) Construct chapel	83,800	
Total of schedule	83,800	
		Reception Centers Northern California
302—For major construction, improvements and equipment, Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		92,600
Schedule:		
(a) Construct major alterations and additions	88,200	
(b) Equip major alterations and additions	4,400	
Total of schedule	92,600	
303—For minor construction, improvements, repairs and equipment, Northern California Reception Center and Clinic, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund		28,900
		Southern California
304—For major construction, improvements and equipment, Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		411,700
Schedule:		
(a) Construct major alterations and additions	397,600	
(b) Equip major alterations and additions	14,100	
Total of schedule	411,700	
305—For minor construction, improvements, repairs and equipment, Southern California Reception Center and Clinic, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund		24,100
		Youth Authority Camps
306—For minor construction, improvements, repairs and equipment, Youth Authority Camps, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund		6,700

Item		Amount
Fricot Ranch School	307—For major construction, improvements and equipment, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	52,755
	Schedule:	
	(a) Athletic field improvements (partial cost)	23,355
	(b) Construct duplex	28,100
	(c) Equip duplex	1,300
	Total of schedule	52,755
	308—For minor construction, improvements, repairs and equipment, Fricot Ranch School for Boys, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund	12,970
Fred C. Nelles School	309—For major construction, improvements and equipment, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	235,630
	Schedule:	
	(a) Roads, fence and site improvements	105,000
	(b) Water supply and distribution system improvements	130,630
	Total of schedule	235,630
	310—For minor construction, improvements, repairs and equipment, Fred C. Nelles School for Boys, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund	4,410
Paso Robles School	311—For minor construction, improvements, repairs and equipment, Paso Robles School for Boys, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund	3,700
Preston School of Industry	312—For major construction, improvements and equipment, Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,099,500

Item		Amount
Schedule:		
(a) Construct dormitory	187,400	
(b) Equip dormitory	9,000	
(c) Construct special treatment program units	851,100	
(d) Equip special treatment program units	52,000	
Total of schedule	1,099,500	
313—For minor construction, improvements, repairs and equipment, Preston School of Industry, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund		51,200
314—For major construction, improvements and equipment, Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		898,210
Los Guilucos School		
Schedule:		
(a) Construct institution alterations and additions	351,340	
(b) Equip institution alterations and additions	11,000	
(c) Construct three residences	55,830	
(d) Site development and utilities for residences	19,840	
(e) Equip three residences	1,500	
(f) Construct special treatment program units	432,350	
(g) Equip special treatment program units	26,350	
Total of schedule	898,210	
provided, that all or a part of the funds made available by this item for the construction of units of housing on state property may, with the approval of the Department of Finance, be expended for the purchase and improvement of existing residences in the same vicinity as the proposed new construction in lieu of all or a portion of said new construction.		
315—For minor construction, improvements, repairs and equipment, Los Guilucos School for Girls, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund		6,600
316—For major construction, improvements and equipment, Ventura School for Girls, Department of the Youth Authority, in accord-		
Ventura School		

ance with the following schedule, payable from the Capital Outlay and Savings Fund__ 100,000
Schedule:
(a) Working plans ---------- 100,000

Total of schedule-------- 100,000

317—For minor construction, improvements, repairs and equipment, Ventura School for Girls, Department of the Youth Authority, payable from the Capital Outlay and Savings Fund ---------- 20,000

EDUCATION

State Colleges: Chico

318—For acquisition of real property, Chico State College, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund__ 450,000

319—For major construction, improvements and equipment, Chico State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund-------- 2,003,000
Schedule:
(a) Equip social science classroom building ---------- 90,000
(b) Construct library -------- 1,184,800
(c) Construct humanities classroom building ---------- 728,200

Total of schedule-------- 2,003.000

320—For minor construction, improvements, repairs and equipment, Chico State College, payable from the Capital Outlay and Savings Fund ---------- 69,895

321—For acquisition of real property, Chico State College, to be expended under the provisions of the Property Acquisition Law, payable from the State College Fund---------- 500,000

322—For minor construction, improvements, repairs and equipment, Chico State College, payable from the State College Fund------- 7,000

Fresno

322.5—For acquisition of real property, Fresno State College, to be expended under the provisions of the Property Acquisition Law, payable from the State College Fund------- 290,949

323—For major construction, improvements and equipment, Fresno State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund__ 2,618,200

Item		Amount
Schedule:		
(a) Equip art-home economics building and home management cottage	140,000	
(b) Equip engineering building	223,000	
(c) Construct outdoor physical education facilities	107,700	
(d) Construct speech-drama building	2,066,250	
(e) Construct boiler addition	81,250	
Total of schedule	2,618,200	
324—For minor construction, improvements, repairs and equipment, Fresno State College, payable from the Capital Outlay and Savings Fund		93,400
325—For minor construction, improvements, repairs and equipment, Fresno State College, payable from the State College Fund		52,970
326—For acquisition of real property, Humboldt State College, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund		172,500
327—For major construction, improvements and equipment, Humboldt State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		3,427,700
Schedule:		
(a) Construct fieldhouse and natatorium	530,500	
(b) Equip fieldhouse and natatorium	7,000	
(c) Construct administration and business education building	884,800	
(d) Construct speech-arts little theater building	1,965,400	
(e) Replace lighting standards in stadium	40,000	
Total of schedule	3,427,700	
328—For minor construction, improvements, repairs and equipment, Humboldt State College, payable from the Capital Outlay and Savings Fund		107,800
329—For major construction, improvements and equipment, Long Beach State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		4,365,150

Humboldt

Long Beach

Item		Amount
	Schedule:	
	(a) Equip science building addition	574,000
	(b) Equip library addition	152,500
	(c) Equip fine arts building addition	83,000
	(d) Construct home economics building	417,900
	(e) Construct classroom building	2,525,000
	(f) Construct outdoor physical education facilities	428,600
	(g) Site development	184,150
	Total of schedule	4,365,150
	330—For minor construction, improvements, repairs and equipment, Long Beach State College, payable from the Capital Outlay and Savings Fund	20,625
Los Angeles	331—For major construction, improvements and equipment, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	8,734,200
	Schedule:	
	(a) Equip fine arts building on San Bernardino Freeway Campus	195,000
	(b) Equip industrial arts building on San Bernardino Freeway Campus	640,000
	(c) Construct administration building on San Bernardino Freeway Campus	1,013,500
	(d) Construct physical education building on San Bernardino Freeway Campus	2,290,300
	(e) Equip music building on San Bernardino Freeway Campus	269,000
	(f) Equip speech-drama building on San Bernardino Freeway Campus	81,000
	(g) Equip library on San Bernardino Freeway Campus	239,500
	(h) Construct cafeteria on San Bernardino Freeway Campus	1,106,400
	(i) Construct outdoor physical education facilities on San	

Item		Amount
	Bernardino Freeway Campus	749,800
	(j) Site development on San Bernardino Freeway Campus	452,300
	(k) Construct additional temporary buildings on San Fernando Valley Campus	183,200
	(*l*) Equip additional temporary buildings on San Fernando Valley Campus	25,000
	(m) Site development on San Fernando Valley Campus	1,489,200
	Total of schedule	8,734,200
	Notwithstanding other provisions of this section, the amount made available by this item is available for payment of expenditures incurred during the 1956-57, 1957-58, 1958-59 and 1959-60 Fiscal Years.	
332—For major construction, improvements and equipment, Sacramento State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		Sacramento 3,549,080
Schedule:		
	(a) Equip general classroom building	30,000
	(b) Equip library addition	123,000
	(c) Construct engineering building	1,780,950
	(d) Construct cafeteria addition	857,800
	(e) Construct administration building addition	491,400
	(f) Construct boiler addition	83,630
	(g) Site development	182,300
	Total of schedule	3,549,080
333—For minor construction, improvements, repairs and equipment, Sacramento State College, payable from the Capital Outlay and Savings Fund		58,150
334—For major construction, improvements and equipment, San Diego State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		San Diego 9,329,945
Schedule:		
	(a) Equip library addition	340,000
	(b) Construct science building	3,189,100
	(c) Additional boiler and mechanical work	171,100

Item		Amount
	(d) Construct men's physical education building and swimming pool	2,634,500
	(e) Construct administration building addition	1,030,500
	(f) Site development	194,845
	(g) Construct physical science building addition	1,649,900
	(h) Television equipment for music-speech building	120,000
	Total of schedule	9,329,945
	335—For minor construction, improvements, repairs and equipment, San Diego State College, payable from the Capital Outlay and Savings Fund	74,440
San Francisco	336—For major construction, improvements and equipment, San Francisco State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	3,906,850
	Schedule:	
	(a) Construct administration building addition	467,500
	(b) Construct fine arts building addition	582,200
	(c) Construct classroom building addition	885,550
	(d) Working drawings for physical education building addition	70,000
	(e) Construct science building addition	1,901,600
	Total of schedule	3,906,850
	337—For minor construction, improvements, repairs and equipment, San Francisco State College, payable from the Capital Outlay and Savings Fund	95,220
San Jose	338—For acquisition of real property, San Jose State College, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund	2,500,000
	339—For major construction, improvements and equipment, San Jose State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	6,350,800

Item		Amount
Schedule:		
(a) Equip cafeteria	102,100	
(b) Construct art building	1,816,100	
(c) Construct industrial arts building	2,595,300	
(d) Construct health building	1,176,300	
(e) Construct faculty office building	409,300	
(f) Remodel old science building	193,200	
(g) Equip old science building	18,500	
(h) Working drawings and construction for remodeling main building	40,000	
Total of schedule	6,350,800	
340—For minor construction, improvements, repairs and equipment, San Jose State College, payable from the Capital Outlay and Savings Fund		116,348
341—For acquisition of real property, California State Polytechnic College, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund		57,500
342—For major construction, improvements and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		8,542,860
Schedule:		
(a) Construct reservoir and water distribution system for San Luis Obispo Campus (partial cost)	2,332,300	
(b) Site development at San Luis Obispo Campus	60,400	
(c) Construct men's physical education building and prepare working drawings for outdoor physical education facilities at San Luis Obispo Campus	1,712,600	
(d) Construct student health service building at San Luis Obispo Campus	551,560	
(e) Equip student health service building at San Luis Obispo Campus	44,000	
(f) Construct home economics building at San Luis Obispo Campus	1,137,400	

California Polytechnic

Item		Amount
(g) Equip animal husbandry production units at Kellogg-Voorhis Campus	32,000	
(h) Equip engineering building at Kellogg-Voorhis Campus	921,000	
(i) Construct agriculture units—completion at Kellogg-Voorhis Campus	457,700	
(j) Site development at Kellogg-Voorhis Campus	293,500	
(k) Construct business classroom building at Kellogg-Voorhis Campus	693,000	
(*l*) Construct corporation yard at Kellogg-Voorhis Campus	287,900	
(m) Equip corporation yard at Kellogg-Voorhis Campus	19,500	
Total of schedule	8,542,860	
342.5—For major construction, improvements and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the State College Fund		3,014,350
Schedule:		
(a) Construct agricultural classroom building at San Luis Obispo Campus	1,567,800	
(b) Construct library building at Kellogg-Voorhis Campus	1,446,550	
Total of schedule	3,014,350	
343—For minor construction, improvements, repairs and equipment, California State Polytechnic College, payable from the Capital Outlay and Savings Fund		238,970
Maritime Academy 344—For major construction, improvements and equipment, California Maritime Academy, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		293,870
Schedule:		
(a) Construct administration building	173,500	
(b) Repair wharf	85,000	
(c) Equip residence hall	29,150	
(d) Equip administration building	6,220	
Total of schedule	293,870	

Item		Amount	
345—For minor construction, improvements, repairs and equipment, California Maritime Academy, payable from the Capital Outlay and Savings Fund		2,200	
346—For minor construction, improvements, repairs and equipment, California School for the Blind, payable from the Capital Outlay and Savings Fund		23,040	School for Blind
347—For major construction, improvements and equipment, California School for the Deaf, Berkeley, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		342,300	Schools for Deaf Berkeley
Schedule:			
(a) Construct additional classroom facilities	342,300		
Total of schedule	342,300		
348—For minor construction, improvements, repairs and equipment, California School for the Deaf, Berkeley, payable from the Capital Outlay and Savings Fund		34,415	
349—For major construction, improvements and equipment, California School for the Deaf, Riverside, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		28,270	Riverside
Schedule:			
(a) Working plans for gymnasium	28,270		
Total of schedule	28,270		
350—For minor construction, improvements, repairs and equipment, California School for the Deaf, Riverside, payable from the Capital Outlay and Savings Fund		81,285	
351—For minor construction, improvements, repairs and equipment, Los Angeles Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund		35,427	Industries for Blind Centers· Los Angeles
352—For minor construction, improvements, repairs and equipment, Oakland Center, California Industries for the Blind, payable from the Capital Outlay and Savings Fund		10,650	Oakland
353—For acquisition of real property, University of California, exempt from Section 23 of this act, payable from the Capital Outlay and Savings Fund		2,200,000	University of California
354—For major construction, improvements and equipment, University of California, exempt from Section 23 of this act, in accordance			

Item		Amount
with the following schedule, payable from the Capital Outlay and Savings Fund		11,609,401
Schedule:		
(a) Project planning	291,900	
(b) Prepare working drawings—education psychology building—Berkeley	587,100	
(c) Construct cafeteria (partial cost)—Berkeley	600,000	
(d) Develop Cory Hall—Berkeley	396,860	
(e) Develop basement of Hearst Gymnasium—Berkeley	181,800	
(f) Construct enlargement to physical sciences building—Berkeley	262,140	
(g) Prepare working drawings for earth sciences building—Berkeley	157,500	
(h) Develop playing fields and courts—Berkeley	633,000	
(i) Prepare working drawings—residence hall unit 2 (partial cost)—Berkeley	76,300	
(j) Master planning for graduate program in science and technology and construct initial building—La Jolla	370,000	
(k) Construct laboratory building—La Jolla	1,426,000	
(*l*) Equip University Elementary School—Los Angeles	43,000	
(m) Alter physics building—Los Angeles	518,500	
(n) Construct addition to Franz Hall—Los Angeles	1,332,900	
(o) Construct addition to geology building—Los Angeles	945,617	
(p) Construct and equip areas in Medical Center—Los Angeles	206,234	
(q) Construct additions to service yard—Los Angeles	541,000	
(r) Prepare working drawings for physical rehabilitation unit—Los Angeles	196,000	
(s) Prepare working drawings for graduate school of business administration building—Los Angeles	202,000	

Item		Amount
(t) Prepare working drawings for classroom—office building unit 2—Los Angeles	125,000	
(u) Prepare working drawings—residence hall unit 2 (partial cost)—Los Angeles	76,300	
(v) Equip laboratory and measuring room building — Mt. Hamilton	14,600	
(w) Construct residence—Mt. Hamilton	22,750	
(x) Equip life sciences building —Riverside	59,600	
(y) Construct addition to heating plant—Riverside	304,300	
(z) Construct and equip expansion of laundry—San Francisco	79,600	
(aa) Construct parking structure (partial cost) — San Francisco	395,100	
(bb) Construct heating plant capacity—San Francisco	157,400	
(cc) Equip fine and applied arts building—Santa Barbara	124,600	
(dd) Equip physical education building—Santa Barbara	40,000	
(ee) Construct science unit 2—Santa Barbara	1,790,000	
(ff) Construct residence hall unit 2 (partial cost)—Santa Barbara	752,300	
Total of schedule	12,909,401	
Less: Amount payable from University funds	1,300,000	
Net appropriation	11,609,401	
355—For minor construction, improvements, repairs and equipment, University of California, exempt from Section 23 of this act, payable from the Capital Outlay and Savings Fund		488,500

EMPLOYMENT

Department of Employment

356—For acquisition of real property, Department of Employment, to be expended under the provisions of the Property Acquisition Law, in accordance with the following schedule, payable from the Department of Employment Contingent Fund 494,800

Item		Amount
	Schedule:	
	(a) Parking and building expansion site acquisition—Fullerton	33,000
	(b) Building and parking site acquisition — Huntington Park	195,000
	(c) Parking and building expansion site acquisition—Pasadena	108,500
	(d) Parking and building expansion site acquisition—Redding	17,500
	(e) Parking and building expansion site acquisition—Salinas	40,000
	(f) Parking and building expansion site acquisition—Santa Rosa	15,800
	(g) Building site acquisition—Vallejo	85,000
	Total of schedule	494,800
357	—For major construction, improvements and equipment, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund	630,200
	Schedule:	
	(a) Working plans for building —Huntington Park	41,000
	(b) Working plans for building —Pasadena	31,000
	(c) Working plans and construction of building—Vallejo	352,000
	(d) Working plans and construction of building—Torrance	206,200
	Total of schedule	630,200
358	—For major construction, improvements and equipment for parking facilities—Sacramento, Department of Employment, payable from the Department of Employment Contingent Fund	75,000
	provided, that no part of this appropriation shall be expended until a mutually satisfactory agreement has been entered into between the Department of Employment and the Department of Finance for the administration of the parking facilities and for repayment to the Department of Employment Contingent Fund.	

FISCAL AFFAIRS

Item		Amount
		Department of Finance
359—For acquisition of real property, Department of Finance, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund		500,000
359.1—For acquisition of real property, Department of Finance, to be expended under the provisions of the Property Acquisition Law, payable from the Capital Outlay and Savings Fund		1,250,000
360—For major construction, improvements and equipment, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,713,200
Schedule:		
(a) Construct office building, San Bernardino, including $15,000 which is exempt from the provisions of Section 12 of this act and may be expended for equipment or supplies for a cafeteria-type blind vending stand	1,334,200	
(b) Construct addition to textbook warehouse and printing plant, Sacramento	946,700	
(c) Alterations and improvements to State Treasury, Sacramento	48,000	
(d) Preparation of working plans and construction of foundations, Los Angeles state building garage	200,000	
(e) Alterations to air conditioning, State Capitol	184,300	
Total of schedule	2,713,200	
361—For minor construction, improvements, repairs and equipment, Department of Finance, payable from the Capital Outlay and Savings Fund		4,200
		State Fair and Exposition
362—For major construction, improvements and equipment, California State Fair and Exposition, Department of Finance, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		174,600

Item		Amount
Schedule:		
(a) Construct jockeys' room	66,800	
(b) Construct race horse barns	47,800	
(c) Replace sheep and swine pens	31,400	
(d) Reroof and repair horse barns	28,600	
Total of schedule	174,600	
363—For minor construction, improvements, repairs and equipment, California State Fair and Exposition, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		247,450
Sixth District Agricultural Association — 364—For minor construction, improvements, repairs and equipment, Sixth District Agricultural Association, Fairs and Expositions Division, Department of Finance, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		54,096
HIGHWAY PATROL		
Highway Patrol — 365—For acquisition of real property, Department of the California Highway Patrol, to be expended under the provisions of the Property Acquisition Law, payable from the Motor Vehicle Fund		19,000
366—For major construction, improvements and equipment, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		415,700
Schedule:		
(a) Preliminary survey for enlarging headquarters office building—Sacramento	6,000	
(b) Construct office building and carport—Sacramento	230,100	
(c) Construct office and residence building—Paso Alto	60,800	
(d) Construct high speed driver conditioning course at Highway Patrol Academy	118,800	
Total of schedule	415,700	

Item		Amount	
367—For minor construction, improvements, repairs and equipment, Department of the California Highway Patrol, payable from the Motor Vehicle Fund		12,555	
MENTAL HYGIENE			
368—For major construction, improvements and equipment, Langley Porter Clinic, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		177,200	Langley Porter Clinic
Schedule:			
(a) Equipment for four-story addition	177,200		
Total of schedule	177,200		
369—For minor construction, improvements, repairs and equipment, Langley Porter Clinic, payable from the Capital Outlay and Savings Fund		1,900	
370—For major construction, improvements and equipment, Agnews State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,545,850	State Hospitals Agnews
Schedule:			
(a) Equip remodeled food service building	29,800		
(b) Plans for administration building, east area	42,000		
(c) Install storm and sanitary sewer lines	141,200		
(d) Construct boiler plant and utility services, east area	915,900		
(e) Equip food service building, east area	96,950		
(f) Remodel old ward buildings, west area	320,000		
Total of schedule	1,545,850		
371—For minor construction, improvements, repairs and equipment, Agnews State Hospital, payable from the Capital Outlay and Savings Fund		90,476	
372—For major construction, improvements and equipment, Atascadero State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,038,100	Atascadero
Schedule:			
(a) Construct ward buildings	1,949,800		
(b) Construct office addition	88,300		
Total of schedule	2,038,100		

Item		Amount
	373—For minor construction, improvements, repairs and equipment, Atascadero State Hospital, payable from the Capital Outlay and Savings Fund	10,700
Camarillo	374—For major construction, improvements and equipment, Camarillo State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,253,200
	Schedule:	
	(a) Construct treatment addition to children's unit 81,750	
	(b) Equip treatment unit 4,550	
	(c) Construct business and medical office building 644,300	
	(d) Equip recreation and therapy center 28,400	
	(e) Construct steam loops 45,730	
	(f) Install larger pipeline between water reservoirs 62,170	
	(g) Construct chapel building and related facilities 337,100	
	(h) Equip chapel building and related facilities 49,200	
	Total of schedule 1,253,200	
	375—For minor construction, improvements, repairs and equipment, Camarillo State Hospital, payable from the Capital Outlay and Savings Fund	110,520
DeWitt	376—For minor construction, improvements, repairs and equipment, DeWitt State Hospital, payable from the Capital Outlay and Savings Fund	69,400
Mendocino	377—For major construction, improvements and equipment, Mendocino State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	171,850
	Schedule:	
	(a) Construct auto repair shop and motor pool 123,325	
	(b) Equip auto repair shop and motor pool 6,850	
	(c) Ground improvements, ward 12 41,675	
	Total of schedule 171,850	
	378—For minor construction, improvements, repairs and equipment, Mendocino State Hospital, payable from the Capital Outlay and Savings Fund	109,750

Item		Amount	
379—For major construction, improvements and equipment, Metropolitan State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		497,250	Metropolitan
Schedule:			
(a) Remodel old administration building, and working plans for remodeling old buildings	50,000		
(b) Construct maintenance shop building	423,250		
(c) Construct road improvements to hospital front entrance	24,000		
Total of schedule	497,250		
380—For minor construction, improvements, repairs and equipment, Metropolitan State Hospital, payable from the Capital Outlay and Savings Fund		36,250	
381—For major construction, improvements and equipment, Modesto State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		131,100	Modesto
Schedule:			
(a) Alterations and improvements to kitchen	131,100		
Total of schedule	131,100		
382—For minor construction, improvements, repairs and equipment, Modesto State Hospital, payable from the Capital Outlay and Savings Fund		22,860	
383—For major construction, improvements and equipment, Napa State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		638,700	Napa
Schedule:			
(a) Construct industrial and maintenance shops	173,700		
(b) Equip industrial and maintenance shops	8,700		
(c) Construct water supply improvements (Rector Dam)	74,700		
(d) Construct chapel building and related facilities	332,400		
(e) Equip chapel building and related facilities	49,200		
Total of schedule	638,700		

Item		Amount
	384—For minor construction, improvements, repairs and equipment, Napa State Hospital, payable from the Capital Outlay and Savings Fund	91,665
Patton	385—For major construction, improvements and equipment, Patton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,292,450
	Schedule:	
	(a) Construction of additional utility services	303,600
	(b) Water development, phase II	481,800
	(c) Working plans for addition to administration building	30,000
	(d) Site development for ward buildings	448,300
	(e) Construct carport and motor pool	28,750
	Total of schedule	1,292,450
	386—For minor construction, improvements, repairs and equipment, Patton State Hospital, payable from the Capital Outlay and Savings Fund	117,000
Stockton	387—For major construction, improvements and equipment, Stockton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	3,094,590
	Schedule:	
	(a) Construct ward building	2,506,900
	(b) Construct laundry building addition	392,200
	(c) Equip laundry building addition	4,700
	(d) Purchase and install vegetable preparation equipment	62,290
	(e) Construct marking, mending, and tailor shop	125,500
	(f) Equip marking, mending, and tailor shop	3,000
	Total of schedule	3,094,590
	388—For minor construction, improvements, repairs and equipment, Stockton State Hospital, payable from the Capital Outlay and Savings Fund	137,820
Fairview	389—For major construction, improvements and equipment, Fairview State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	905,625

Item		Amount
Schedule:		
(a) Site development, phase II	125,425	
(b) Equip security wards	59,800	
(c) Construct employees' housing units	349,500	
(d) Equip employees' housing units	35,000	
(e) Equip firehouse and quarters	6,700	
(f) Install additional boiler and controls	85,300	
(g) Equip school recreation field	3,100	
(h) Equip ward buildings	184,800	
(i) Working plans for library, occupational therapy, canteen and barbershop building	33,000	
(j) Working plans for auditorium	23,000	
Total of schedule	905,625	

provided, that all or a part of the funds made available by this item for the construction of units of housing on state property may, with the approval of the Department of Finance, be expended for the purchase and improvement of existing residences in the same vicinity as the proposed new construction in lieu of all or a portion of said new construction.

390—For major construction, improvements and equipment, Pacific State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund — Pacific — 802,100

Schedule:

(a) Install additional mechanical services	455,900
(b) Modernize and repair wards	268,800
(c) Equip modernized wards	6,000
(d) Equip new laundry	9,200
(e) Install mechanical ventilation system in medical ward	62,200
Total of schedule	802,100

391—For minor construction, improvements, repairs and equipment, Pacific State Hospital, payable from the Capital Outlay and Savings Fund — 87,410

392—For major construction, improvements and equipment, Porterville State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund — Porterville — 405,000

Item		Amount
	Schedule:	
	(a) Construct employees' housing units	309,900
	(b) Equip employees' housing units	18,900
	(c) Construct shops buildings, inflammable storage building and corporation yard	73,950
	(d) Equip shops buildings, inflammable storage building and corporation yard	2,250
	Total of schedule	405,000

provided, that all or a part of the funds made available by this item for the construction of units of housing on state property may, with the approval of the Department of Finance, be expended for the purchase and improvement of existing residences in the same vicinity as the proposed new construction in lieu of all or a portion of said new construction.

393—For minor construction, improvements, repairs and equipment, Porterville State Hospital, payable from the Capital Outlay and Savings Fund 21,050

Sonoma

394—For major construction, improvements and equipment, Sonoma State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund.. 1,047,050

Schedule:

(a) Equip administration building	19,000
(b) Install new boiler	109,850
(c) Construct school addition	918,200
Total of schedule	1,047,050

395—For minor construction, improvements, repairs and equipment, Sonoma State Hospital, payable from the Capital Outlay and Savings Fund 113,755

MILITARY

Military Department

396—For major construction, improvements and equipment, Military Department, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund.. 443,100

Item		Amount
Schedule:		
(a) Preparation of plans for and supervision of construction to be financed from federal funds	100,000	
(b) Construct and equip food service facilities:		
Fresno	108,800	
Hayward	117,000	
Van Nuys	117,300	
Total of schedule	443,100	
397—For expenditure for major armory construction, improvements and equipment, Military Department and California National Guard, payable from the Capital Outlay and Savings Fund and in addition thereto any grants made available by the Federal Government; provided, no expenditure shall be made from this appropriation until receipt of assurances satisfactory to the Department of Finance that the Federal Government will reimburse the State for the federal share of the cost of construction, to be expended in accordance with the following schedule:		Armory construction 639,795
Oakland	148,254	
Sacramento (alterations)	58,602	
Santa Monica	206,570	
Stockton	144,630	
Turlock	81,739	
Total of schedule	639,795	

provided further, that the unexpended balances as of June 30, 1957, in the appropriations made by Item 394.1 and Section 6.2 of the Budget Act of 1956 are reappropriated and shall be available for expenditure until June 30, 1960, for major construction, improvements and equipment, Military Department and California National Guard, payable from the Capital Outlay and Savings Fund and in addition thereto any grants made available by the Federal Government; provided, no expenditure shall be made from this appropriation until receipt of assurances satisfactory to the Department of Finance that the Federal Government will reimburse the State for the federal share of the cost of construction, to be expended for any of the armories located in the following areas, subject

Item		Amount
	to prior approval by the State Public Works Board: Anaheim, Baldwin Park, Banning, Barstow, Benicia, Carmichael, Culver City (addition), El Cerrito, Escondido, Eureka, Fairfield, Fontana, Fremont, Gilroy, Hollister, Indio, Marysville, Menlo Park, Monterey Park, Oakland (San Leandro), Oakland, Petaluma, Placerville, Porterville, Redding, Riverside, Sacramento, San Fernando, San Lorenzo (addition), San Rafael, Santa Ana, Santa Monica, Stockton, Sunnyvale (addition), Taft, Turlock, Van Nuys, Ventura, Victorville, Watsonville.	
	The location designation in the above schedule shall be liberally construed so as to include any location within 10 miles of a city or town named therein and, upon recommendation of the Adjutant General and approval of the Public Works Board, two (2) or more smaller armories in the same area may be substituted for a larger armory.	
	398—For minor construction, improvements, repairs and equipment, Military Department, payable from the Capital Outlay and Savings Fund	78,350

MOTOR VEHICLES

Department of Motor Vehicles	399—For acquisition of real property, Department of Motor Vehicles, to be expended under the provisions of the Property Acquisition Law, payable from the Motor Vehicle Fund	1,173,000
	400—For major construction, improvements and equipment, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund	153,200
	Schedule:	
	(a) Construct office building—Red Bluff	45,600
	(b) Construct office building—El Centro	57,600
	(c) Prepare preliminary plans for additional facilities at the Sacramento headquarters office building	50,000
	Total of schedule	153,200

NATURAL RESOURCES

Item		Amount	
401—For major construction, improvements and equipment, Department of Fish and Game, in accordance with the following schedule, payable from the Fish and Game Preservation Fund		168,000	Department of Fish and Game
Schedule:			
(a) Purchase of airplane	128,000		
(b) Motor vessel for marine wildlife protection (additional cost)	40,000		
Total of schedule	168,000		
402—For minor construction, improvements, repairs and equipment, Department of Fish and Game, payable from the Fish and Game Preservation Fund		64,020	
403—For major construction, improvements and equipment, Division of Beaches and Parks, Department of Natural Resources, in accordance with the following schedule, payable from the State Park Fund		1,056,623	Division of Beaches and Parks
Schedule:			
(a) Standish and Hickey State Park: Development	120,500		
(b) Clear Lake State Park: Development	85,000		
(c) Henry Cowell Redwoods State Park: Development	145,500		
(d) Morro Bay State Park: Development	40,000		
(e) Folsom Lake State Park: Development	325,000		
(f) Humboldt Redwoods State Park: Development	40,000		
(g) William B. Ide Adobe State Historical Monument: Development	24,623		
(h) Preliminary engineering and planning	20,000		
(i) Savings from projects reserved for augmentation	-------		
(j) Hearst Castle State Park, San Luis Obispo County: Development; provided, that the appropriation for this project shall not be available for the acquisition or purchase of land	256,000		
Total of schedule	1,056,623		

Item		Amount
404—For major construction, improvements and equipment, Division of Beaches and Parks, Department of Natural Resources, in accordance with the following schedule, payable from the State Beach Fund		303,325
Schedule:		
(a) San Buenaventura Beach State Park: Development	170,000	
(b) Silver Strand Beach State Park: Development	93,325	
(c) Huntington Beach State Park	30,000	
(d) Preliminary engineering and planning	10,000	
(e) Savings from projects reserved for augmentation		
Total of schedule	303,325	
405—For minor construction, improvements, repairs and equipment, Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund		120,160
406—For minor construction, improvements, repairs and equipment, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach Fund		39,600
Division of Forestry 407—For acquisition of real property, Division of Forestry, Department of Natural Resources, to be expended under the provisions of the Property Acquisition Law, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		70,000
Schedule:		
(a) Sites for forestry honor camps	50,000	
(b) District VI headquarters	10,000	
(c) Lookouts and forest fire stations locations	10,000	
Total of schedule	70,000	
408—For major construction, improvements and equipment, Division of Forestry, Department of Natural Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,083,115

Item		Amount
Schedule:		
(a) Construction of Forest Protection Stations:		
Construction	167,105	
Equipment	4,608	
(b) Forestry Honor Camps:		
Construction	1,104,400	
Equipment	267,494	
(c) County Headquarters:		
Construction	433,705	
Equipment	11,070	
(d) Services:		
Engineering, planning and inspection	94,733	
Total of schedule	2,083,115	
409—For minor construction, improvements, repairs and equipment, Division of Forestry, Department of Natural Resources, payable from the Capital Outlay and Savings Fund		247,411
410—For major construction, improvements and equipment, Division of Forestry, Department of Natural Resources, in accordance with the following schedule, payable from the State Park Fund		29,200
Schedule:		
(a) Flynn Springs Fire Control Station	14,100	
(b) Julian Fire Control Station	15,100	
Total of schedule	29,200	

PUBLIC HEALTH

Department of Public Health

411—For major construction, improvements and equipment, Department of Public Health, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		232,730
Schedule:		
(a) Remodel, alter and repair building	232,730	
Total of schedule	232,730	
412—For minor construction, improvements, repairs and equipment, Department of Public Health, payable from the Capital Outlay and Savings Fund		17,300

Eel River island removal

412.5—For removal of an island from the channel of Eel River in the vicinity of the bridge on State Highway Route 56 at Fernbridge in

Item		Amount
	Humboldt County, and work incidental thereto, Department of Public Works, payable from the State Highway Fund, from the portion thereof available for expenditure in County Group No. 1, as designated in Section 187 of the Streets and Highways Code	100,000
	It is hereby declared that the removal of the island is necessary in the construction and maintenance of State Highway Route 56, and the Legislature finds that the expenditures under this item constitute an expenditure for highway purposes within the meaning of Article XXVI of the Constitution of California.	
	VETERANS AFFAIRS	
Veterans' Home	413—For major construction, improvements and equipment, Veterans' Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	681,770
	Schedule:	
	(a) Construct chapel 185,500	
	(b) Equip chapel 28,950	
	(c) Construct hospital additions 164,650	
	(d) Equip hospital additions 2,000	
	(e) Water supply improvements 78,170	
	(f) Construct medical treatment center 184,200	
	(g) Equip medical treatment center 5,600	
	(h) Hospital transformer alterations and additions 32,700	
	Total of schedule 681,770	
	414—For minor construction, improvements, repairs and equipment, Veterans' Home of California, payable from the Capital Outlay and Savings Fund	86,485
	WATER RESOURCES	
Department of Water Resources	415—For major construction, improvements and equipment, Department of Water Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	90,000

Item		Amount
Schedule:		
(a) Restoration of Cache Creek Settling Basin Weir	90,000	
Total of schedule	90,000	
416—For minor construction, improvements, repairs and equipment, Department of Water Resources, payable from the Capital Outlay and Savings Fund		4,900
417—For studies, investigations, geologic exploration including other necessary expenses to determine the best and most economical aqueduct routes for the delivery of water to the lower San Joaquin Valley and Southern California, Department of Water Resources, payable from the Investment Fund		673,000
419—For land, easements and rights of way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, which is a state obligation and necessary for the completion or operation of projects in the Sacramento and San Joaquin watersheds as authorized by Article 2, Chapter 2, Part 6, Division 6, of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the United States or payments to the United States or others for incidental construction or reconstruction items which are an obligation of the State in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, power lines, communication lines, pipelines, irrigation works, and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, the Reclamation Board, in accordance with the following schedule, payable from the Flood Control Fund of 1946		5,410,000
Schedule:		
(a) Sacramento River Flood Control Project	1,700,000	
(b) Lower San Joaquin River Flood Control Project	2,650,000	
(c) Calaveras River and Littlejohn Creek	10,000	
(d) Merced County Stream Group	200,000	

Item		Amount
	(e) Middle Creek Flood Control Project	850,000
	Total of schedule	5,410,000

UNALLOCATED

Project planning

420—For project planning, to be allocated by the Director of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the Capital Outlay and Savings Fund 650,000

The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

Miscellaneous repairs, etc.

421—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Director of Finance upon the approval of the State Public Works Board, payable from the Capital Outlay and Savings Fund 200,000

Notwithstanding other provisions of this act, the appropriation made by this item shall be limited to expenditures during the 1957-58 Fiscal Year.

Transfer from General Fund

422—For transfer by the State Controller from the General Fund, from time to time during the 1957-58 Fiscal Year as the amount in the General Fund exceeds current needs, to the Capital Outlay and Savings Fund 106,168,959

LOCAL ASSISTANCE SECTION

EDUCATION

Child care centers

423—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Chapter 11, Division 9 of the Education Code, as amended 4,604,048

Teachers' retirement

424—For transfer by the State Controller to the Teachers' Permanent Fund for operation of the State Teachers' Retirement System 8,555,000

425—For transfer by the State Controller to the Retirement Annuity Fund for operation of the State Teachers' Retirement System 18,673,000

Item		Amount	
426—For publishing, purchasing, and shipping free textbooks, Department of Education, in accordance with the following schedule		5,721,049	Textbooks
Schedule:			
(a) Salaries and Wages	68,006		
(b) Operating Expenses and Equipment	5,685,843		
Total of schedule	5,753,849		
Less estimated reimbursements	32,800		
Net appropriation	5,721,049		
None of the moneys appropriated by this item may be expended for publishing, purchasing, or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.			

PUBLIC HEALTH

427—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	3,501,886	Local health agencies, etc.
428—For assistance to counties by the establishment of local health services in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	169,530	Local health services
429—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health to be expended in accordance with Division 4 of the Health and Safety Code including an additional amount of ninety cents ($0.90) per patient-day in accordance with Sections 3301.5(d) and 3301.6(d) of the Health and Safety Code.	5,102,000	Tuberculosis sanatoria
430—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, Department of Public Health	3,193,289	Physically handicapped children

Item	Amount
provided, that $704,576 shall be for state-wide diagnoses; not to exceed $50,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows: (a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20,000), whichever is the greater. (b) If the amount allocated to any county or city and county pursuant to subsection (a) when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code. (c) For the purpose of administration by independent counties there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with an approved budget; provided, however, that such amount shall not exceed 6⅔ percent of the total expenditures for treatment in that county in the preceding fiscal year. (d) Expenditures made under this item to reimburse counties and cities and counties for the State's share of the cost of such services shall be charged to the fiscal year in which	

Item		Amount
	the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
431	—For assistance to local agencies in the treatment of minors with cerebral palsy, Department of Public Health. Of the amount herein appropriated there may be expended so much as may be necessary by the Department of Public Health to furnish therapeutic services in those areas where it deems the local agencies are unable or not ready to employ personnel directly	Treatment of cerebral palsy 809,723
432	—For subsidies to local districts for the control of mosquitoes as provided by Chapter 5.5 of Division 3 of the Health and Safety Code, Department of Public Health provided, that a minimum of $25,000 shall be available for research; and further provided, that allocation of this appropriation shall not be made to any local district, unless such district has experienced human mosquito-borne diseases to an extent which constitutes a public health menace, as certified by the Director of the State Department of Public Health. Be it further provided, that not more than $6,000 may be allocated to a single mosquito abatement district unless said district shall first appropriate a sum of money not less than that represented by a rate of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation of the taxable property in the mosquito abatement district, such funds to be wholly exclusive of any state funds received or receivable.	Mosquito control 400,000
433	—For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act and in addition thereto any amounts remaining unexpended on June 30, 1956, in the appropriation made by Item 411, Budget Act of 1955, and Item 435, Budget Act of 1956.	Construction of hospital facilities 5,934,055

PUBLIC WORKS

Item		Amount
Department of Water Resources· Flood control	434—For allocation to the Department of Water Resources for reallocation in accordance with Division 6, Part 6 of the Water Code, for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State, in accordance with the following schedule, payable from the Flood Control Fund of 1946	5,868,000
	Schedule:	
	(a) Riverside County Flood Control and Water Conservation District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code	180,000
	(b) San Bernardino County Flood Control District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code	808,000
	(c) San Bernardino County Flood Control District, Lytle and Cajon Creeks Project, as authorized by Section 12676 of the Water Code	10,000
	(d) Los Angeles County Flood Control District, Los Angeles River Watershed Project, as authorized by Section 12688 of the Water Code	307,000
	(e) Los Angeles County Flood Control District, Los Angeles and San Gabriel Rivers and Ballona Creek Project, as authorized by Section 12682 of the Water Code	376,000
	(f) City of Santa Cruz, San Lorenzo River Project, as authorized by Section 12704 of the Water Code	2,387,000
	(g) Alameda County Flood Control and Water Conservation District, San Lorenzo Creek Project, as authorized by Section 12701 of the Water Code	800,000
	(h) For the purposes stated in Chapter 27, Statutes of	

Item		Amount	
	1956, First Extraordinary Session, as amended by Chapter 32, Statutes of 1957	1,000,000	
	Total of schedule	5,868,000	
	The allocation made by this item shall remain available for reallocation and expenditure until June 30, 1960.		
435	For transfer by the State Controller to the Flood Control Fund of 1946, from the General Fund	10,817,590	Flood Control Fund

SOCIAL WELFARE

436	For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code	916,104	Social services reimbursement
	provided, that all or any portion of this appropriation may be transferred to Item 251 for support of the Department of Social Welfare, upon executive order of the Director of Finance.		
437	For reimbursement to counties for the cost of the adoption programs and care of children in accordance with Sections 1640 through 1644 of the Welfare and Institutions Code, State Department of Social Welfare, in accordance with the following schedule	1,820,485	
	Schedule:		
	(a) Administration	1,812,985	
	(b) Cost of care	7,500	
	Total of schedule	1,820,485	
	provided, that all or any portion of this appropriation as contained in Item (a) of the foregoing schedule may be transferred to Item 251 for support of the Department of Social Welfare, upon executive order of the Department of Finance.		
438	For reimbursement to counties for the cost of transporting needy children to homes without the State pursuant to Section 1580 of the Welfare and Institutions Code, Department of Social Welfare	2,500	

OTHER PURPOSES

Item		Amount
Salaries. Superior court judges	439—For State's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	2,117,000
County service officers	440—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code	500,000
County agricultural commissioners, etc.	441—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	147,620
Workmen's compensation to civil defense workers	442—For furnishing of workmen's compensation to civil defense workers and their dependents in accordance with the provisions of Division 4 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's Office, State Disaster Office	60,000
	The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.	
Juvenile homes, etc	443—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code	1,636,000

UNEMPLOYMENT ADMINISTRATION

Unemployment compensation disability benefits	444—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemploy-	

Item		Amount	
	ment Compensation Disability Fund, in accordance with the following schedule	4,252,153	
	Schedule:		
	(a) Salaries and Wages	3,163,865	
	(b) Operating Expenses and Equipment	1,088,288	
	Total of schedule	4,252,153	
445	For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the Federal Government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Director of Finance	39,812	Support of Department of Employment

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1957-58, 1958-59 and 1959-60 Fiscal Years for expenditure only for the program contemplated by the State Construction Program Bond Act of 1955.

446	For major construction, improvements and equipment, California Men's Colony, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund	10,761,000	California Men's Colony
	Schedule:		
	(a) Construct new medium security facility (partial cost)	10,761,000	
	Total of schedule	10,761,000	
447	For major construction, improvements and equipment, Chico State College, in accordance with the following schedule, payable from the State Construction Program Fund	1,729,240	State Colleges Chico
	Schedule:		
	(a) Construct residence halls	1,589,240	
	(b) Equip residence halls	140,000	
	Total of schedule	1,729,240	
448	For major construction, improvements and equipment, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund	1,634,250	Fresno

Item		Amount
	Schedule:	
	(a) Construct residence halls	1,494,250
	(b) Equip residence halls	140,000
	Total of schedule	1,634,250
	448.1—For major construction, improvements and equipment, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund	860,000
	Schedule:	
	(a) Construct residence hall	790,000
	(b) Equip residence halls	70,000
	Total of schedule	860,000
	provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.	
Humboldt	449—For major construction, improvements and equipment, Humboldt State College, in accordance with the following schedule, payable from the State Construction Program Fund	860,500
	Schedule:	
	(a) Construct residence halls	790,500
	(b) Equip residence halls	70,000
	Total of schedule	860,500
	449.1—For major construction, improvements and equipment, Humboldt State College, in accordance with the following schedule, payable from the State Construction Program Fund	860,000
	Schedule:	
	(a) Construct residence hall	790,000
	(b) Equip residence halls	70,000
	Total of schedule	860,000

Item		Amount
provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
450—For major construction, improvements and equipment, Long Beach State College, in accordance with the following schedule, payable from the State Construction Program Fund..		819,160
Schedule:		
(a) Construct residence halls...	749,160	
(b) Equip residence halls.....	70,000	
Total of schedule.....	819,160	
450.1—For major construction, improvements and equipment, Long Beach State College, in accordance with the following schedule, payable from the State Construction Program Fund..		860,000
Schedule:		
(a) Construct residence hall....	790,000	
(b) Equip residence halls.....	70,000	
Total of schedule.....	860,000	
provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
451—For major construction, improvements and equipment, Los Angeles State College of Applied Arts and Sciences, in accordance		

Item		Amount
with the following schedule, payable from the State Construction Program Fund		13,866,050
Schedule:		
(a) Construct science building on San Fernando Valley Campus	4,653,600	
(b) Construct music building on San Fernando Valley Campus	2,481,450	
(c) Construct fine arts building on San Fernando Valley Campus	2,467,000	
(d) Construct speech-drama building on San Fernando Valley Campus	2,503,600	
(e) Construct library building on San Fernando Valley Campus	1,760,400	
Total of schedule	13,866,050	

provided, that $2,756,800 of the amount scheduled in (a) and $1,530,950 of the amount scheduled in (e), above, is appropriated in lieu of the appropriation made by Item 453 of the Budget Act of 1956, which appropriation is hereby canceled.

451.1—For major construction, improvements and equipment, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the State Construction Program Fund 860,000

Schedule:

(a) Construct residence hall on San Fernando Valley Campus	790,000
(b) Equip residence halls on San Fernando Valley Campus	70,000
Total of schedule	860,000

provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further,

Item		Amount
that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
452—For major construction, improvements and equipment, Sacramento State College, in accordance with the following schedule, payable from the State Construction Program Fund		Sacramento 1,636,300
Schedule:		
(a) Construct residence halls	1,496,300	
(b) Equip residence halls	140,000	
Total of schedule	1,636,300	
452.1—For major construction, improvements and equipment, Sacramento State College, in accordance with the following schedule, payable from the State Construction Program Fund		860,000
Schedule:		
(a) Construct residence hall	790,000	
(b) Equip residence halls	70,000	
Total of schedule	860,000	
provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
453—For major construction, improvements and equipment, San Jose State College, in accordance with the following schedule, payable from the State Construction Program Fund		San Jose 650,900
Schedule:		
(a) Construct student activities building	650,900	
Total of schedule	650,900	
453.1—For major construction, improvements and equipment, San Jose State College, in accordance with the following schedule, payable from the State Construction Program Fund		5,160,000

Item		Amount
	Schedule:	
	(a) Construct residence halls--- 4,740,000	
	(b) Equip residence halls------ 420,000	
	Total of schedule-------- 5,160,000	
	provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.	
San Diego	454—For major construction, improvements and equipment, San Diego State College, in accordance with the following schedule, payable from the State Construction Program Fund ----------	2,510,350
	Schedule:	
	(a) Construct residence halls--- 2,300,350	
	(b) Equip residence halls------ 210,000	
	Total of schedule-------- 2,510,350	
	454.1—For major construction, improvements and equipment, San Diego State College, in accordance with the following schedule, payable from the State Construction Program Fund-	1,720,000
	Schedule:	
	(a) Construct residence halls--- 1,580,000	
	(b) Equip residence halls------ 140,000	
	Total of schedule-------- 1,720,000	
	provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further,	

Item		Amount
	that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.	
455—For major construction, improvements and equipment, San Francisco State College, in accordance with the following schedule, payable from the State Construction Program Fund		San Francisco 2,471,600
Schedule:		
(a) Construct residence halls	2,261,600	
(b) Equip residence halls	210,000	
Total of schedule	2,471,600	
455.1—For major construction, improvements and equipment, San Francisco State College, in accordance with the following schedule, payable from the State Construction Program Fund		860,000
Schedule:		
(a) Construct residence hall	790,000	
(b) Equip residence halls	70,000	
Total of schedule	860,000	
provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
456—For major construction, improvements and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the State Construction Program Fund		California Polytechnic 5,946,700
Schedule:		
(a) Construct residence halls on San Luis Obispo Campus	3,159,200	
(b) Equip residence halls	280,000	
(c) Construct residence halls on Kellogg-Voorhis Campus	2,297,500	
(d) Equip residence halls	210,000	
Total of schedule	5,946,700	

Item		Amount
456.1—For major construction, improvements and equipment, California State Polytechnic College, in accordance with the following schedule, payable from the State Construction Program Fund		2,580,000
Schedule:		
(a) Construct residence halls on San Luis Obispo Campus	1,580,000	
(b) Equip residence halls on San Luis Obispo Campus	140,000	
(c) Construct residence hall on Kellogg-Voorhis Campus	790,000	
(d) Equip residence halls on Kellogg-Voorhis Campus	70,000	
Total of schedule	2,580,000	

provided, that no withdrawals shall be made from the appropriation made by this item until the Director of Finance certifies that there is satisfactory assurance that at least 50 percent of the necessary construction funds are available at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.

University of California

457—For major construction, improvements and equipment, University of California, exempt from Section 23 of this act, in accordance with the following schedule, payable from the State Construction Program Fund		2,116,700
Schedule:		
(a) Prepare working drawings for residence hall unit 2—Berkeley	98,000	
(b) Prepare working drawings for residence hall unit 2—Los Angeles	98,000	
(c) Construct parking structure —San Francisco	1,073,000	
(d) Construct residence hall unit 2—Santa Barbara	847,700	
Total of schedule	2,116,700	

457.5—For major construction, improvements and equipment, University of California, exempt

Item		Amount
from Section 23 of this act, in accordance with the following schedule, payable from the State Construction Program Fund		11,621,357
Schedule:		
(a) Construct and equip residence hall unit 2 (partial cost)—Berkeley	2,496,957	
(b) Construct and equip residence hall unit 3 (partial cost)—Davis	427,000	
(c) Construct and equip residence hall unit 4 (partial cost)—Davis	1,885,000	
(d) Construct and equip residence hall unit 2 (partial cost)—Los Angeles	2,328,300	
(e) Construct and equip residence hall unit 3 (partial cost)—Riverside	973,400	
(f) Construct and equip residence halls (partial cost)—San Francisco	1,375,000	
(g) Construct and equip residence hall unit 2 (partial cost)—Santa Barbara	155,700	
(h) Construct and equip residence hall unit 3 (partial cost)—Santa Barbara	1,980,000	
Total of schedule	11,621,357	
provided, that no withdrawals shall be made from the appropriation made by this item until there is a satisfactory certification from the Regents of the University of California to the Director of Finance and the State Controller that the balance of the cost of the projects specified herein can be financed from funds available from other sources and that such funds can be obtained at an effective interest rate of not more than 2.875 percent per year, or that federal funds are available at an interest rate that, in the opinion of the Director of Finance and Legislative Auditor, would produce substantial savings over the sale of state bonds on the open market; provided further, that if such certification is not made by June 30, 1958, the appropriation made by this item shall revert.		
458—For major construction, improvements and equipment, University of California, exempt from Section 23 of this act, in accordance		

Item		Amount
	with the following schedule, payable from the State Construction Program Fund	1,106,000
	Schedule:	
	(a) For additional cost of constructing an addition to Medical Center at University of California at Los Angeles for a neuropsychiatric institute and to be operated in accordance with a cooperative agreement to be entered into between the Department of Mental Hygiene and the Regents of the University of California	1,106,000
	Total of schedule	1,106,000
	The money appropriated by this item shall not become available for expenditure until the Regents of the University of California have elected to comply with the provisions of Section 4 of this act with respect to the Medical Center mentioned in this item.	
State hospitals: Napa	459—For major construction, improvements and equipment, Napa State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	2,553,000
	Schedule:	
	(a) Construct juvenile unit	2,553,000
	Total of schedule	2,553,000
Fairview	460—For major construction, improvements and equipment, Fairview State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	1,297,400
	Schedule:	
	(a) Construct ward buildings	1,297,400
	Total of schedule	1,297,400
Public works projects	461—For construction and equipment of state public works projects in augmentation of current available appropriations for construction, improvements and equipment for state agencies, to be allocated by the Department of Finance upon approval of the State Public Works Board to and for expenditure upon state public works projects for which money has been made available from the State Construction Program Fund, and which cannot be undertaken because bids received are in excess of the estimate or the amount available for such	

Item	Amount
construction, or for equipment for any such project, payable from the State Construction Program Fund ---------- and in addition any unexpended balance remaining in any appropriation from the State Construction Program Fund which the Director of Finance with the approval of the State Public Works Board determines not to be required for expenditure pursuant to the appropriation and approves for transfer to and in augmentation of this item. Whenever it is determined that there will be an unexpended balance upon completion of any project, the transfer of such balance may be made prior to the actual date of completion of the project.	1,510,850

Limitations

SEC. 3. Any construction or improvement project included in any appropriation out of the Capital Outlay and Savings Fund, State Construction Program Fund, Fair and Exposition Fund, Motor Vehicle Fund, State Beach Fund, State Park Fund, and State College Fund made herein for major construction, improvements and equipment or for acquisition of real property shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 4. No money appropriated herein in any item for major construction, improvements, designs, working plans, and specifications may be expended by any state agency except amounts needed for equipment, preliminary surveys, studies, and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for major construction, improvements, designs, working plans, and specifications; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Regents of University of California

Nothing herein contained shall be construed to limit or control the Regents of the University of California in the ex-

penditure of funds appropriated for major construction, improvements, and equipment for the use, development or enlargement of the University of California.

SEC. 4.1. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for construction, improvements, repairs or equipment which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

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

Pre July 1, 1957, expenses

SEC. 5. Any appropriation herein contained for construction, improvements and equipment, designs, working plans and specifications may be expended to reimburse the Division of Architecture Revolving Fund, State Fair Fund, or the University of California for expenditures incurred prior to July 1, 1957; provided, that for items of major construction, improvements, designs, working plans and specifications the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation in accordance with Section 4 hereof or any applicable similar section of a previous Budget Act. Any money in the Division of Architecture Revolving Fund may be expended or encumbered for expenditure prior to July 1, 1957, or subsequent thereto, for any project as to which reimbursement of the fund therefor is authorized by this section.

Nothing herein contained shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for major construction, improvements, and equipment for the use, development or enlargement of the University of California.

Capital Outlay and Savings Fund

SEC. 6. All appropriations made from the Capital Outlay and Savings Fund by this act shall be available for the period

prescribed by Section 16407.1 of the Government Code, and the appropriations made by Items 287, 321, 322, 322.5, 342.5, 325, 356, 357, 358, 362, 363, 364, 365, 366, 367, 399, 400, 401, 402, 403, 404, 405, 406, and 410 of this act shall be available until June 30, 1960, notwithstanding the provisions of Section 2 hereof which specify general availability of appropriations during the 1957-58 Fiscal Year.

Unexpended balances

SEC. 6.1. Notwithstanding any other provisions of law, the unexpended balances as of June 30, 1957, of the following appropriations, payable from the Capital Outlay and Savings Fund, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1958:

Medical Facility, Item 290, Budget Act of 1953
California State Prison at Soledad, Item 293(b), Budget Act of 1954
Paso Robles School for Boys, Item 306, Budget Act of 1953
Long Beach State College, Item 319(c), Budget Act of 1953
Long Beach State College, Item 319(d), Budget Act of 1953
Long Beach State College, Item 311(b), Budget Act of 1954
Long Beach State College, Chapter 198, Statutes of 1953
San Diego State College, Item 338(a), Budget Act of 1952
San Diego State College, Item 338(c), Budget Act of 1952
San Diego State College, Item 322(a), Budget Act of 1953
San Diego State College, Item 314, Budget Act of 1954
San Jose State College, Item 318, Budget Act of 1954
San Jose State College, Item 325(c), Budget Act of 1953
San Jose State College, Item 325(d), Budget Act of 1953
California State Polytechnic College, Item 327(f), Budget Act of 1953
California State Polytechnic College, Item 320(a), Budget Act of 1954
California State Polytechnic College, Item 320(b), Budget Act of 1954
Division of Forestry, Item 384, Budget Act of 1953
Metropolitan State Hospital, Item 345(b), Budget Act of 1954
Metropolitan State Hospital, Item 345(d), Budget Act of 1954
Metropolitan State Hospital, Item 345(f), Budget Act of 1954
Fairview State Hospital, Chapter 9, Statutes of 1953
Sonoma State Hospital, Item 366(b), Budget Act of 1953
Sonoma State Hospital, Item 366(e), Budget Act of 1953
Pacific State Hospital, Item 364(b), Budget Act of 1953
Pacific State Hospital, Chapter 194, Statutes of 1953
University of California, Item 372.5(k), Budget Act of 1949
University of California, Item 357(a), Budget Act of 1952
University of California, Item 357(c), Budget Act of 1952
University of California, Item 357(n), Budget Act of 1952
University of California, Item 357(o), Budget Act of 1952
University of California, Item 338(a), Budget Act of 1953

University of California, Item 338(f), Budget Act of 1953
University of California, Item 338(g), Budget Act of 1953
University of California, Item 338(j), Budget Act of 1953
University of California, Chapter 1509, Statutes of 1953
University of California, Item 328(a), Budget Act of 1954
University of California, Item 328(b), Budget Act of 1954
University of California, Item 328(f), Budget Act of 1954
University of California, Item 328.1, Budget Act of 1954

SEC. 6.2. The unexpended balance as of June 30, 1957, of the appropriations payable from the State College Fund made by Item 315, of the Budget Act of 1953, Item 315, of the Budget Act of 1955, and Item 327, of the Budget Act of 1956, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1958.

SEC. 6.3. The unexpended balance as of the effective date of this act of the appropriation made by Chapter 929, Statutes of 1945, and Chapter 1810, Statutes of 1955, shall revert to the unappropriated surplus of the General Fund.

SEC. 6.4. The appropriation made by Item 399, Budget Act of 1955, is reappropriated for the same purpose provided for in said appropriation, and in addition shall be available for augmentation of available appropriations for acquisition of property, and which cannot be acquired because acquisitions costs are in excess of the amounts provided in the appropriation.

SEC. 6.5. On the effective date of this act the amount of $557,000 shall revert from the appropriation made by Item 441 of the Budget Act of 1956, and the amount shall be transferred from the Flood Control Fund of 1946 to the General Fund.

San Francisco Harbor Improvement Fund

SEC. 6.6. The unexpended balance available for transfer from the San Francisco Harbor Improvement Fund to the Special Deposit Fund as provided by Chapter 1715, Statutes of 1951, as amended, is hereby reappropriated and shall remain available for the purposes set forth in said chapter, until June 30, 1959.

Staff residences

SEC. 6.7. All or part of the unexpended funds made available for the construction of staff residences by Item 385 of the Budget Act of 1956, may be expended, subject to approval of the Department of Finance, for the purchase and improvement of existing residences in the vicinity of the proposed new construction, in lieu of part or all of said new construction.

SEC. 6.8. The unexpended balance of that part of the appropriation listed in Schedule (e) of Item 381 of Section 2, Budget Act of 1956, is hereby reappropriated for the same purpose and the same period, and in addition shall be available for construction of a sewer line and for payment of the State's share of the cost of purchasing stock or the payment of assessments or other necessary costs for connecting with and use of sewage disposal facilities.

Red Bank Creek, etc

SEC. 6.10. The unexpended balance of that part of the appropriation set forth in Schedule (xx) Red Bank Creek, in

Item 400, Budget Act of 1956, is hereby reappropriated for the same purpose and the same period, and in addition shall be available for acquisition of real property in the area of Woodson Bridge.

SEC. 6.11. The unexpended balance of the appropriation made by Item 184.1 of the Budget Act of 1956, is reappropriated for acquisition of real property or any interest in connection therewith, and for acquisition of personal property for a state park at Millerton Lake, any amount not expended for such acquisition shall be available for additional support of Division of Beaches and Parks, Department of Natural Resources, to be transferred by the State Controller to the State Park Maintenance Fund for credit to Item 179 of this act. Millerton Lake, etc.

SEC. 6.12. The sum of three hundred fifty thousand dollars ($350,000) appropriated by Item 401.2 of the Budget Act of 1956 is reappropriated for the construction and equipment of a state museum in the vicinity of Death Valley in Inyo County, to be known as the Death Valley Museum, Division of Beaches and Parks, Department of Natural Resources, payable from the State Park Fund; provided, that no money shall be expended for acquisition of land and that all facilities comprising the Death Valley Museum shall be constructed on land donated to the State or the Federal Government for that purpose. Death Valley Museum

SEC. 7. As of the effective date of this act the State Controller shall transfer from the General Fund to the State Beach Fund the amount of $163,585.33, and from the General Fund to the State Park Fund the amount of $200,656.05, which amounts represent the interest earned on moneys deposited in the Surplus Money Investment Fund which was transferred to the General Fund State Beach Fund. State Park Fund.

SEC. 8. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1956, and July 1, 1957, except with the specific approval of the Department of Finance, subsequent to July 1, 1957. Vacant positions.

The Department of Finance, not later than 30 days prior to the convening of the 1958 Regular Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1957, which were vacant or continuously unfilled during the period between October 1, 1956, and July 1, 1957, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 8.5. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, Faculty salary obligations.

therefore, the University of California and the state colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of additional academic staff members during the 1957-58 Fiscal Year for services beginning in 1958-59.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

Acquisition, etc., of motor vehicles

SEC. 9. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

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

SEC. 10. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 9 of this act, shall be of the light class, as defined by the Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Limitations on expenditures House, etc., furnishings

SEC. 11. None of the money appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

Cafeterias

SEC. 12. No moneys appropriated by this act shall be used to purchase equipment or supplies for employee cafeterias or for the cafeteria type blind vending stand where hot meals are served, in any state office building, unless such cafeteria or vending stand has previously been established or the amount therefor is expressly authorized by a schedule in this act.

Office furnishings

SEC. 13. No money appropriated by this act shall be used, either directly or by supplementing any other appropriation, to furnish rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

Scope of appropriations Support

SEC. 14. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Construction and improvements

Whenever herein an appropriation is made for construction and improvements, it shall include equipment necessary in connection with such construction or improvements.

Real property

Whenever herein any item of appropriation is made for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Limitations on expenditures

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

Definitions

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

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

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities.

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is

hereby made to that document entitled "State of California Budget for the Fiscal Year July 1, 1957, to June 30, 1958," submitted by the Governor to the Legislature at the 1957 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

Transfers from categories

SEC. 15. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations

SEC. 16. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedules set forth for any appropriation in Section 2 hereof or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau or other agency during the 1957-58 Fiscal Year from any other state agency, from any agency of local government or the Federal Government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

Reductions

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

Premiums for official bonds

SEC. 17. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Expenditures from Emergency Fund, etc

SEC. 18. Whenever an expenditure is authorized from the Emergency Fund, from Price Increase Funds, from the Salary Increase Funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures shall, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

Transfer of unneeded funds

SEC. 19. The State Board of Control, upon recommendation of the Director of Finance, may authorize that unneeded funds in an appropriation for support for an institution or for family or private home care, school or college within any of the following agencies may be made available, and shall be deemed

appropriated, for the support of another institution or for family or private home care, school or college within the same department:

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

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

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

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

Transfer of appropriations

SEC. 20. Whenever any of the duties, powers, purposes, responsibilities, or jurisdiction of any office, officer, board, commission, bureau or other agency of the State are transferred by law to any other office, officer, board, commission, bureau or other agency of the State, that portion of any appropriation herein made for such office, officer, board, commission, bureau or other agency of the State, intended to be used and available for the performance of such duties, powers, purposes, responsibilities or jurisdiction, upon certification by the Department of Finance as to the amount shall, by the State Controller, be transferred to, and the same shall become a part of, the funds available for the office, officer, board, commission, bureau or other agency of the State, to which the duties, powers, purposes, responsibilities, or jurisdiction of such office, officer, board, commission or other state agency have been transferred.

Abolished state agencies

SEC. 21. Whenever the duties, powers, purposes, responsibilities and jurisdiction of any office, board, commission or other state agency are abolished by law the unexpended portion of the appropriation herein made for the support of such office, board, commission, or other state agency shall upon the effective date of the act abolishing such office, board, commission or other state agency revert to and become a part of the unexpended balance of the fund from which such appropriation was made.

Change in fund

SEC. 22. Whenever by law a change is made in the fund from which the support of any office, board, commission or other state agency is properly payable, any appropriation made herein for the support of such office, commission or other state agency, or the applicable portion thereof, shall become payable from the fund designated in that law. The State Board of Control shall determine the adjustments to be made in the appropriations provided for herein as a result of any such change in law and shall certify the same to the State Controller, who shall thereupon make the necessary entries upon his records.

Application of Gov C Sec 13320

SEC. 23. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be

made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Establishment of positions

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

Salary savings reserve

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

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1957, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

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

Expenditures in excess of appropriations

SEC. 24. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any in-

debtedness against the State in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Effect of veto

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

Constitutionality

SEC. 26. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Current expenses

SEC. 27. 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.

Urgency

SEC. 28. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the State Government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State. If they are not available for expenditure on July 1, 1957, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the State's business require the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 601

An act to amend Section 2733.5 of the Business and Professions Code, relating to temporary permit for nurses.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 2733.5 of the Business and Professions Code is amended to read:

2733.5. Until October 2, 1959, the board upon written application and receipt of a registration fee of ten dollars ($10) may issue a temporary permit to any applicant who at the time of application is currently licensed or registered as a professional nurse under the laws of another state of the United States of America and such a temporary permit may also be issued to an applicant who at the time of application is currently authorized to legally practice as a professional nurse under the laws of the Dominion of Canada; provided, the applicant is either a citizen of the United States or has declared his intention to become a citizen of the United States. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the citizenship requirement.

The temporary permit issued under this section shall authorize the permittee to engage in the practice of nursing under this chapter until January 1, 1960.

CHAPTER 602

An act to amend Section 19258 of the Government Code, relating to the personnel of the state civil service.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 19258 of the Government Code is amended to read:

19258. The department in which an employee is employed may pay the cost of replacing or repairing eyeglasses, hearing aids, dentures, watches or articles of clothing necessarily worn or carried when damaged in the line of duty where such damage results from any act of a person committed to or confined in any state facility, or institution of the State of California under the jurisdiction of the Department of Corrections, the Youth Authority, or the Department of Mental Hygiene; or where such damage results from any act of a blind, deaf, or palsied student or patient in any facility operated by the

Department of Education for the blind, deaf or cerebral palsied; or where such damage results from any act of a veteran who is a member of, and where such act is committed on the premises of, the Veterans' Home of California operated by the Department of Veterans Affairs. If the eyeglasses, hearing aids, dentures, watches or clothes are damaged beyond repair, the department may pay the actual value of such eyeglasses, hearing aids, dentures, watches or clothing as is determined by the Department of Finance. The value of such eyeglasses, hearing aids, dentures, watches or clothing shall be determined as of the time of the damage thereto.

CHAPTER 603

An act to amend Section 13005 of the Water Code, relating to water pollution.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 13005 of the Water Code is amended to read:

13005. "State board" means the State Water Pollution Control Board

"Regional board" means any regional water pollution control board created pursuant to this division.

"Person" as used in this division also includes any city, county or district.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but

which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the State devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer.

CHAPTER 604

An act to add Article 4 (commencing at Section 24155) of Chapter 1 of Division 20 of the Health and Safety Code, relating to health and safety of persons engaged in water-contact sports.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Article 4 (commencing at Section 24155) of Chapter 1 of Division 20 is added to the Health and Safety Code, to read:

Article 4. Ocean Water-contact Sports

"Water-contact sport"

24155. As used in this article, water-contact sport means any sport in which the body of a person comes into physical contact with water, including but not limited to swimming, surfboarding, paddleboarding, skin diving, and water-skiing It does not include boating or fishing.

Supervision by department

24156. The State Department of Public Health has supervision of sanitation, healthfulness, and safety of the public beaches and public water-contact sport areas of the ocean waters and bays of the State and the department may make and enforce such rules and regulations pertaining thereto as it deems proper.

Safe bacteria count

24157. Rules and regulations made pursuant to this article shall include suitable standards of safe bacteria count for water-contact sports areas specified by the State Water Pollution Control Board or regional water pollution control boards, which standards shall be applied to all public water-contact sport areas of the ocean waters and bays of the State.

Violation Misdemeanor

24158. Every person who violates any rule or regulation adopted pursuant to the provision of this article is guilty of a misdemeanor.

Limitation

24159. Nothing contained in this article shall be construed to give the State Department of Public Health the authority

to fix the areas wherein water-contact sports may be engaged in or to affect the authority of the State Water Pollution Control Board or regional water pollution control boards to fix appropriate areas for various uses.

CHAPTER 605

An act to amend Section 14104.5 of the Government Code, relating to the performance of public work.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14104.5 of the Government Code is amended to read:

14104.5. Where work to be performed, excluding regular maintenance work, 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, and the director so finds, the department may perform such work by the use of rented tools or equipment, either with operators furnished or unoperated. Contracts for such work may include provision for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. Such contracts shall not be subject to the State Contract Act, but shall be subject to all of the provisions of Section 136.5 of the Streets and Highways Code, and of Article 2, Chapter 1, Part 7, Division 2 (commencing at Section 1770) of the Labor Code.

CHAPTER 606

An act to amend Section 18054 of the Education Code, relating to continuing contracts.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 18054 of the Education Code is amended to read:

18054. Continuing contracts for work to be done, services to be performed, or for materials or supplies to be furnished, sold or leased to the district may be made with an accepted vendor as follows: for work or services, not to exceed five years; for materials or supplies, not to exceed one year.

CHAPTER 607

An act to add Section 13082.1 to the Education Code, relating to certificated employees of school districts.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 13082.1 is added to the Education Code, to read:

13082.1. Every certificated employee of a school district of any type or class having an average daily attendance of less than 850 may be offered a continuing contract to cover a period longer than one year but not to exceed four years.

CHAPTER 608

An act to add Section 2206.5 to the Education Code, relating to gifts, donations, bequests, and devises to junior colleges and to the governing boards of districts maintaining junior colleges.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 2206.5 is added to the Education Code, to read:

2206.5. The governing board of any district maintaining a junior college may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district for junior college purposes or to or for the benefit of any junior college administered by the district. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance of such a gift, donation, bequest, or devise. No real or personal property, including money, accepted by a governing board pursuant to this section shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

CHAPTER 609

An act to repeal Article 5 of Chapter 1 of Part 2 of Division 2, comprising Sections 1570 to 1574, inclusive, of the Welfare and Institutions Code, relating to eligibility for aid to needy children.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Article 5 of Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code is repealed.

CHAPTER 610

An act to amend Section 257 of, and to add Sections 257.2 and 257.4 to, the Vehicle Code, relating to junior permits.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 257 of the Vehicle Code is amended to read:

257. Age Limit for Operators. Except as otherwise provided in this code no operator's license shall be issued to any person under the age of 16 years, except that any minor 15 years and 6 months of age who has successfully completed a course in automobile driver training maintained pursuant to Division 5, Chapter 1, Article 11, of the Education Code in a secondary school or private or parochial school of secondary level may be issued an operator's license.

Age limit, instruction permit

The department may issue an instruction permit to any physically and mentally qualified person taking a course in driver instruction in a public school without further examination; provided, the instruction permit is restricted to the operation of a motor vehicle when accompanied by and under the immediate supervision of a regularly certificated teacher for the purpose of instruction.

SEC. 2. Section 257.2 is added to said code, to read:

257.2 Junior Permits; Issuance. (a) Upon application, successful completion of tests and compliance with Section 350, the department may issue a junior permit to any person 14 years of age, but less than 16, who establishes eligibility as required hereunder. A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist:

Junior permits

1. School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school. The application for a junior permit shall be

accompanied by a signed statement from the school principal verifying such facts. Junior permit issued under this subsection shall be restricted to operating a vehicle from residence to the school and return.

2 Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member. The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency.

3. Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be derived. The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection.

(b) The existence of public transportation at reasonable intervals within one mile of the residence of the applicant may be considered adequate grounds for refusal of a junior permit.

(c) The department shall impose restrictions upon junior permits appropriate to the conditions and area under which they are intended to be used.

SEC. 3. Section 257.4 is added to said code, to read:

Same Duration and revocation

257.4. Junior Permits: Duration, Revocation. (a) Junior permits issued pursuant to Section 257.2 shall not be valid for a period exceeding that established on the original request as the approximate date the minor's operation of a vehicle will no longer be necessary. In any event, no permit shall be valid on or after the sixteenth birthday of the applicant.

(b) The department may revoke any permit when such action appears necessary for the welfare of the minor or in the interests of safety.

(c) In the event conditions or location of residence, which required the minor's operation of a vehicle, change prior to expiration of the permit the department may cancel such permit.

(d) Upon determination that the permittee has operated a vehicle in violation of restrictions, the department shall revoke such permit.

(e) A junior permit issued under Section 257.2 shall be construed to be a form of operator's license and shall be subject to all provisions of this code applying to operator's licenses, except as modified in this section and Section 257.2.

(f) An instruction permit valid for a period not to exceed six months may be issued after eligibility has been established under Section 257.2.

Prior permits or licenses

SEC. 4. The provisions of this act, amending Section 257 of, and adding Sections 257.2 and 257.4 to, the Vehicle Code,

shall not affect any license or permit issued prior to the effective date of this act.

CHAPTER 611

An act to repeal Sections 276 and 277 and to add Section 276 and amend Section 381 of the Vehicle Code, relating to the expiration of drivers' licenses and the fees for drivers' licenses.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 276 of the Vehicle Code is repealed. Repeals

SEC. 2. Section 277 of the Vehicle Code is repealed.

SEC. 3. Section 276 is added to the Vehicle Code, to read:

276. Term of Licenses. (a) Every original driver's license hereafter issued in this State shall expire on the anniversary of the date of birth of the applicant in the third year following the date of the application for such license. Term of licenses Original and renewal

(b) Renewal of any driver's license shall be made in accordance with Section 278 for a term which shall expire on the anniversary of the date of birth of the applicant in the fifth year following the expiration of the license renewed except that an original driver's license or such renewal of a license shall expire on the anniversary of the date of birth of the applicant in the second year following the application for an original or the expiration of the license renewed if within the past two years the applicant has:

1. Except for parking violations, been convicted of two or more violations of Division 9, of this code, if licensed as an operator, or four or more violations if licensed as a chauffeur.

2. Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration and such renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 30 days after expiration of the license, the application and fee shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

SEC. 4. Section 381 of the Vehicle Code is amended to read:

381. Fee for Drivers' Licenses. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be paid the department a fee of three dollars ($3). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months. A person licensed as an operator who is qualified to receive a chauffeur's license License fees

may be issued a chauffeur's license for the unexpired term of his operator's license without an additional fee upon application and surrender of his operator's license.

The terms "driver's license" as used in this section includes all licenses of every kind issued under Division 4 of this code.

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such person restricts such person to the operation of a self-propelled wheel chair or invalid tricycle.

CHAPTER 612

An act to amend Section 6448 of the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 6448 of the Streets and Highways Code is amended to read:

6448. When all payments on a bond are made to the treasurer, he shall enter the same in his record of the bond and the lien of the assessment shall cease.

The treasurer shall forthwith notify the holder of the bond and call in the bond. When the bond has been presented and paid the treasurer shall enter in his record thereof the amount paid and the date of payment to the holder and shall cancel the bond and file it in his office.

CHAPTER 613

An act to amend Section 2982 of the Civil Code, relating to conditional sales of motor vehicles.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 2982 of the Civil Code is amended to read:

Conditional sales contracts Motor vehicles

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing, and, if printed, shall be printed in type no smaller than six point, and shall contain all of the agreements between the buyer and the seller relating to the personal property described therein. It shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and when so executed an exact copy thereof shall be delivered

by the seller to the buyer at the time of its execution. It shall recite the following separate items as such, in the following order:

1. The cash price of the personal property described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property. As soon as received by the dealer the dealer shall refund to the buyer or credit to the buyer on the next payment due the amount realized on any insurance policy, or rights thereunder, assigned to the seller by the buyer in connection with the conditional sale. Failure of the dealer to comply with the foregoing provision shall in no way affect the validity or enforceability of the conditional sale contract.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance.

5. A description and itemization of amounts, if any, which will actually be paid by the seller or his assignee to any public officer as fees in connection with the transaction, which are included in the contract balance.

6. The amount of the unpaid balance, which is the sum of Items 3, 4, and 5.

7. The amount of the time price differential.

8. The contract balance owed by the buyer to the seller, which is the sum of Items 6 and 7.

9. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

10. The names and addresses of all persons to whom the notice required under subdivision (g) of this section is to be sent.

(b) If any charge for insurance is included in the amount paid or to be paid by the buyer under any conditional sale contract for the sale of a motor vehicle, with or without accessories, an insurance policy or policies or a certificate of insurance under a master policy shall be issued and the seller shall within 30 days after the execution of the conditional sale contract send or cause to be sent to the buyer the original or an exact copy of such policy or policies or certificate.

(c) The amount of the time price differential in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months, including any excess fraction thereof as one month, elapsing between the date of such contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater; provided, that such contract may provide for interest on any delinquent installment

from and after the date of delinquency, and for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer may satisfy in full the indebtedness evidenced by such contract at any time before the final maturity thereof, and in so satisfying such indebtedness shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential, after first deducting from such time price differential a minimum charge of not to exceed twenty-five dollars ($25), as the sum of the periodic time balances after the month in which such contract is paid in full bears to the sum of all of the periodic time balances under the schedule of payments in the contract, both sums to be determined according to the monthly balances which would result if the indebtedness were paid according to the terms of the contract; provided, however, that the provisions of this subsection shall not impair the right of the seller or his assignee to receive a minimum time price differential of twenty-five dollars ($25), or to receive interest on delinquent installments or reasonable collection costs and fees, as provided in subsection (c) of this section; and provided further, that where the amount of such refund credit would be less than one dollar ($1), no refund need be made.

(e) If the seller, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivisions (c), or (d) of this section the conditional sale contract shall not be enforceable, except by a bona fide purchaser for value, and the buyer may recover from the seller in a civil action the total amount paid on the contract balance by the buyer to the seller or his assignee pursuant to the terms of such contract.

(f) If the holder of such contract, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivision (d) of this section, the buyer may recover from such holder in a civil action the total amount paid on the contract balance by the buyer to such holder pursuant to the terms of such contract.

(g) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least five days' written notice of intent to sell a repossessed motor vehicle must be given to all persons liable on the contract. Such notice may be given by mail and need be given only to such persons as have furnished the seller or his assignee with an address to which such notice may be sent. During the period after such notice is sent and before sale lawfully occurs, the person or persons liable on the contract may pay in full the indebtedness evidenced by such contract.

CHAPTER 614

An act to amend Section 3041 of the Elections Code, relating to independent nominations.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3041 of the Elections Code is amended to read:

3041. Nomination papers shall be signed by voters of the area for which the candidate is to be nominated by not less than 5 percent nor more than 6 percent of the entire vote cast in the area at the preceding general election. Nomination papers for Representative in Congress, State Senator or Assemblyman, to be voted for at a special election to fill a vacancy shall be signed by voters in the district numbering not less than 500 or 1 percent of the entire vote cast in the area at the preceding general election, whichever is the lesser, nor more than 1,000.

CHAPTER 615

An act to amend Sections 3860 and 3861 of the Labor Code, relating to attorney's fees.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 3860 of the Labor Code is amended to read:

3860. No release or settlement under this chapter is valid and binding without notice to both employer and employee and opportunity to the employer to recover the amount of compensation he had paid or become obligated to pay. The entire amount of such settlement, or of any settlement without suit, is subject to the employer's full claim for reimbursement for his compensation expenditures and liability; provided, however, that where the employer has not prosecuted any claim or action in his own behalf or has failed to join and participate in the prosecution of any action presented by the employee or has not made arrangements with the employee's attorney to represent him in the prosecution of said action or claim, the commission shall fix a reasonable attorney's fee, which shall be fixed as a share of the amount actually received by the employer, to be paid to the employee's attorney on account of the services rendered by him in effecting a recovery for the benefit of the employer, which said fee shall be deducted from any amounts due to the employer.

Validity of release or settlement

SEC. 2. Section 3861 of said code is amended to read:

Credit against liability

3861. The commission is empowered to and shall allow, as a credit to the employer to be applied against his liability for compensation, such amount of any recovery by the employee for his injury, either by settlement or after judgment, as has not theretofore been applied to reimburse the employer, or has not been applied to the payment of an attorney's fee to the employee's attorney, pursuant to the provisions of Sections 3856 and 3860 of this code.

CHAPTER 616

An act to amend Section 28105 of the Government Code, relating to the compensation of county officers.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 28105 of the Government Code is amended to read:

County salaries and expenses: Fifth class

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed not to exceed 5 percent of his monthly salary for expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them

by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

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

CHAPTER 617

An act to amend Section 25210.4, and to add Article 7.5 (commencing at Section 25210.78) to Chapter 2.2, Part 2, Division 2, Title 3, of the Government Code, relating to county service areas.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 25210.4 of the Government Code is amended to read:

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:

County service areas Extended service

(a) Extended police protection.

(b) Structural fire protection.

(c) Local park, recreation or parkway facilities and services.

(d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform on a county-wide basis both within and without cities, if:

(1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or

(2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.

(e) Extended library facilities and services.

At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.

SEC. 2. Article 7.5 is added to Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code, to read:

Article 7.5. Extended Library Facilities and Services

Library facilities and services

25210.78. The board of supervisors of any county is authorized to establish and maintain, pursuant to the provisions of this chapter, extended library facilities and services within any county service area established for that purpose.

25210.78a. As used in this chapter, "extended library facilities and services" means the acquisition or improvement of sites for library buildings, the construction, alteration, repair, or maintenance of library buildings, or the acquisition, repair or maintenance of furniture or equipment, except books, for library buildings, or all or any combination thereof.

Establishment and maintenance

25210.78b. If extended library facilities and services are to be established and maintained within any county service area, the board of supervisors may on or before April 1st of each year, by resolution, specify the extended library facilities and services to be established and maintained at the expense of county service area funds within the county service area and the extent of the work to be done in connection therewith during the next succeeding fiscal year. The board shall also designate the county officer whose duty it shall be to maintain, operate, manage and control such facilities and perform such work, subject to the direction of the board of supervisors.

Cost estimate

25210.78c. On or before July 10th of each year, as the board of supervisors directs, the officer designated by the board of supervisors for that purpose, shall file with the board of supervisors and the county auditor an estimate accompanied by such supporting data as the board of supervisors may require, of the cost of providing the extended library facilities and services determined upon by the resolution of the board of supervisors. The estimate shall show the amount of money required for general fund purposes and for salary fund purposes.

Budgetary requirement

25210.78d. The board of supervisors shall either adopt or revise the estimate and the estimate as finally approved by the board of supervisors shall fix the amount of money required for the purpose of providing, pursuant to this chapter, extended library facilities and services in the area for the next succeeding fiscal year and no other budgetary requirements for such extended library facilities and services shall be deemed applicable to the area.

Taxes

25210.78e. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be

such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate, finally approved by the board, the amount of estimated revenue from other sources of the county service area during the fiscal year and any available surplus.

25210.78f. The tax for extended library facilities and services shall be annually levied and collected by the same officers and at the same time and in the same manner as other county taxes are levied and collected. All collections shall be paid into the county treasury to the credit of the county service area.

Transfer of funds

25210.78g. From time to time during the fiscal year as determined by the board of supervisors, the board of supervisors shall order the transfer from the funds in the county treasury standing to the credit of the county service area of an amount found by the board of supervisors to be sufficient to reimburse the county general fund and the county salary fund for the expenditures made therefrom in providing extended library facilities and services in the area.

Tax exemption

25210.78h. Any property included in a county service area which is also included in a district organized and existing under Chapter 4 (commencing at Section 22301), 5 (commencing at Section 22601), or 6 (commencing at Section 22801) of Division 11 of the Education Code shall be exempt from taxation under this chapter and none of the funds raised by taxation upon the county service area for the purpose of providing extended library facilities and services shall be expended within the area included in such a district.

CHAPTER 618

An act to amend Section 23037 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 23037 of the Business and Professions Code is amended to read:

23037. "Club" means a corporation or association which is the owner, lessee, or occupant of an establishment operated solely for objects of a social or athletic nature but not for pecuniary gain, having a bona fide membership list, and the majority of the members of which pay dues at least once in every year, and the property as well as the advantages of which belong to the members, and which sells alcoholic beverages only to its members and its bona fide guests. A guest is defined as a person who is actually a houseguest, or a person whose presence as a guest is in response to a specific invitation for the special occasion.

CHAPTER 619

An act to amend Section 23433 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 23433 of the Business and Professions Code is amended 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 beverages 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 a retail package off-sale general license as provided in Section 23320.

CHAPTER 620

An act to add Section 654 to the Unemployment Insurance Code, relating to the definition of "employment."

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 654 is added to the Unemployment Insurance Code, to read:

654. "Employment" does not include service performed by a free-lance jockey or exercise boy who is regularly licensed by the California Horse Racing Board.

CHAPTER 621

An act to repeal Sections 394, 395 and 396 of, and to add Sections 394, 395 and 396 to, and to amend Section 400 of, the Agricultural Code, relating to estrays.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Sections 394, 395 and 396 of the Agricultural Code are hereby repealed.

SEC. 2. Section 394 is added to said code, to read:

394. If the owner is not found, the director shall cause a notice to remain posted for a period of three weeks on a bulletin board in each office of the Bureau of Livestock Identification. The notice shall describe the weight, sex, breed, color, marks and brands, if any, and shall give notice of the time and place of the proposed sale of such animal. In addition to posting said notice, if the estimated value of the animal exceeds forty dollars ($40), the director shall cause the notice to be published once each week for three successive weeks in a local paper in the vicinity in which the animal is known to have originated, or if such origin is not known, then in the locality in which the animal was found. Notice posting and publication

SEC. 3. Section 395 is added to said code, to read:

395. Any person claiming ownership in such animal may, at any time but not later than 30 days after the first posting of notice, file his proofs of ownership with the director and the director shall proceed to hear and determine the same. If ownership is proved to the satisfaction of the director, the animal shall be turned over to said owner upon payment by the said owner of all expenses incurred in the handling of said animal. Claim of ownership

If the animal at any time while in the possession of an inspector is in a condition requiring immediate disposal, such animal may be disposed of by the director and the proceeds from the salvage, if any, in excess of expenses incurred in the handling of said animal shall be paid to the person proving ownership as provided in this section. Disposal

SEC. 4. Section 396 is added to said code, to read:

396. If after 30 days from the date of the first posting of notice no satisfactory proof of ownership of the animal has been made, or if the owner fails or refuses to pay all expenses incurred, the director shall proceed to sell such animal at public sale. Public sale

All sales made under the provisions of this article convey a good and valid title to the purchaser, and the owner of the animal so sold shall thereafter be barred from all right to recover the same.

SEC. 5. Section 400 of said code is amended to read:

400. Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force; provided, however, that if no person appears and claims impounded animals, within five days, the poundkeeper or other pound officer shall so notify the director and upon receipt of such notice the director shall forthwith take possession of said animals and shall dispose of said animals in accordance with the provisions of this article. Limitation

CHAPTER 622

An act to add Section 650 to the Streets and Highways Code, relating to State Highway Routes 2, 60 and 56.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 650 is added to the Streets and Highways Code, to read:

650. Those portions of State Highway Routes 2, 60 and 56 which comprise the coastal highway north from the international border via San Diego, Laguna Beach, Santa Monica, Ventura, Lompoc, Monterey, Santa Cruz, Half Moon Bay to San Francisco shall be known and designated as the "Cabrillo Highway."

CHAPTER 623

An act to amend Section 445.1 of the Vehicle Code, relating to driver training schools.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 445.1 of the Vehicle Code is amended to read:

Driving school requirements

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).

(c) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school for a period of not less than one year, except that this subdivision does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

CHAPTER 624

An act to amend Section 16271.1 of the Education Code, relating to the use of school busses.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 16271.1 of the Education Code is amended to read:

16271.1. The governing board of any school district may use school busses within the county or counties in which the school district is located to provide transportation for teachers, volunteer adults who are assisting in the supervision of pupils, and other school personnel in connection with activities of an educational nature.

CHAPTER 625

An act to amend Section 454 of the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 454 of the Vehicle Code is amended to read:

454. Exemptions to Authorized Emergency Vehicles. The driver of an authorized emergency vehicle shall be exempt from those provisions of this code herein set forth under the following conditions:

(a) Said exemptions shall apply whenever any said vehicle is being driven in response to an emergency call or while engaged in rescue operations or when used in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm.

(b) Said exemptions shall apply only when the driver of said vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to others. Under the circumstances hereinabove stated, any said driver shall not be required to observe those regulations contained in Chapter 3 or in Chapters 6 to and including Chapter 13 of Division 9 or Section 604 of this code, but said exemptions shall not relieve the driver of any said vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall the provisions of this section protect any such driver from the consequences of an arbitrary exercise of the privileges declared in this section.

CHAPTER 626

An act to amend the heading of Chapter 5b, Title 3, Part 2 of, and Sections 853.1, 853.2, 853.3, and 853.4 of, the Penal Code, relating to proceedings in violation of county, city or city and county ordinances.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. The heading of Chapter 5b, Title 3, Part 2 of the Penal Code is amended to read:

CHAPTER 5b. CITATIONS FOR VIOLATIONS OF COUNTY, CITY OR CITY AND COUNTY ORDINANCES

SEC. 2. Section 853.1 of the Penal Code is amended to read:

Violation of ordinances Notice, etc

853.1. (a) A county, city or city and county may enact in its ordinances, violations of which are punishable as misdemeanors, clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate as is more fully set forth in this code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be either:

1. Before a judge of a justice court or a municipal court judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or

2. Upon demand of the person arrested, before a judge of a justice court or a municipal court judge having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed; or before a judge in the judicial district in which the offense is alleged to have been committed.

3. Before an officer authorized by the county, city or city and county, to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 3. Section 853.2 of said code is amended to read:

853.2. A county, city or city and county may provide in its ordinances that any person wilfully violating his written promise to appear in court is guilty of a misdemeanor regard- Violation of appearance

less of the disposition of the charge upon which he was originally arrested.

SEC. 4. Section 853.3 of said code is amended to read:

Warrant of arrest

853.3. A county, city or city and county may further provide in its ordinance that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.1, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

SEC. 5. Section 853.4 of said code is amended to read:

Political subdivisions

853.4. A county, city or city and county may enact the foregoing as a separate and distinct ordinance which shall apply to all or one or more of its ordinances, violations of which are punishable as misdemeanors, as designated.

CHAPTER 627

An act to add Section 323 to the Education Code, relating to county boards of education.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 323 is added to the Education Code, to read:

323. The county board of education of each county may select a member or members of the board to attend meetings of any society, association, or organization for which the board has subscribed for membership, or any convention to which the governing board of a school district may pay the expenses of any employee. The actual expenses of the member or members shall be allowed and paid out of the county general fund with prior budgetary approval.

CHAPTER 628

An act to add Section 322 to the Education Code, relating to county boards of education.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 322 is added to the Education Code, to read:

322. The county board of education may subscribe for membership in, or otherwise become a member of, any state or local organization of governing boards of school districts or members thereof, or of county boards of education or members thereof, or both, which has for its primary purpose the promotion and advancement of public education through research and investigation, and the cooperation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the State. The costs incurred for the purposes of this section shall be payable out of the county general fund.

CHAPTER 629

An act to amend Sections 4101 and 4135 of the Agricultural Code, relating to agriculture.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 4101 of the Agricultural Code is amended to read:

4101. "Milk," "cream," "market milk" and "market cream" have the meaning of those terms defined in Division 4 of this code. "Dairy products" means buttermilk; flavored milk drinks; bottled milk drinks sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; ice cream, ice milk, and sherbet, separately, or in combination; ice cream mix; ice milk mix; cottage cheese; butter; American or cheddar cheese; Monterey jack cheese; and pasteurized process cheese. Definitions

SEC. 2. Section 4135 of said code is amended to read:

4135. The sale by any manufacturer, distributor or retail store of milk, cream, or dairy products at less than cost is an unfair practice. Cost as applied to manufacturers and distributors, as used herein, shall mean the cost of raw product, plus all costs of manufacturing, processing, handling, sale Sale at less than cost

and delivery, including overhead costs; and cost as applied to retail stores, as used herein, shall mean invoice or replacement cost, whichever is lower, plus the cost of doing business of such retail store. Evidence of cost, based on impartial audits or surveys, made within a reasonable time prior to alleged violation of this section, shall constitute prima facie evidence of such cost at the time of the commission of such violation.

CHAPTER 630

An act to amend Sections 23389 and 23390 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 23389 of the Business and Professions Code is amended to read:

Branch offices. Beer

23389. A licensed beer manufacturer may sell and deliver beer from branch offices located away from his place of manufacture and exercise all his license privileges, other than manufacture, at or from the branch offices. The department shall upon request issue to a beer manufacturer a duplicate of his original license which shall authorize the maintenance and operation of each branch declared and designated by him, upon the payment for each duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license.

Notwithstanding the provisions of any other section of this division, such duplicate license shall be issued forthwith upon the application therefor. In the event any protest is received by the department concerning the issuance of such duplicate license, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

For 30 days from the date of the issuance of such duplicate license, no retail sales of beer shall be made at any branch office for which a duplicate license is issued pursuant to this section.

SEC. 2. Section 23390 of said code is amended to read:

Same. Wine or brandy

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

Duplicate license

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.

Notwithstanding the provisions of any other section of this division, a duplicate wine grower's license or duplicate brandy manufacturer's license shall be issued forthwith upon the application therefor. In the event any protest is received by the department concerning the issuance of such duplicate license, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

For 30 days from the date of the issuance of such duplicate license, no retail sales of wine or brandy shall be made at any branch office for which a duplicate wine grower's license or duplicate brandy manufacturer's license is issued pursuant to this section.

CHAPTER 631

An act to amend Section 32132 of the Health and Safety Code, relating to district hospitals.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 32132 of the Health and Safety Code is amended 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 or to professional services.

As used in this section, "medical or surgical equipment or supplies" includes only equipment or supplies commonly, necessarily, and directly used by or under the direction of a physician and surgeon in caring for or treating a patient in a hospital.

CHAPTER 632

An act to amend Section 845.2 of the Fish and Game Code, and amend Section 8633 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to application for repossession of net.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 845.2 of the Fish and Game Code is amended to read.

Posting of bond

845.2. When any net is seized pursuant to Section 845, the owner or any other person otherwise entitled to possession of the net may apply to the superior court of the county or city and county in which the seizure was made, or the county or city and county of which said claimant is a resident, for leave to file bond and regain possession of the net during the pendency of the proceedings. The bond shall be in an amount determined by the judge to be the actual value of the net at the time of its release. Upon giving said bond conditioned upon the return of the net to the custody of the court in the event the net is ordered forfeited, the person on whose behalf such bond is given shall be put in possession of the net and may use the net until it is finally ordered delivered up and forfeited, if such be the judgment of the court.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code

Effect Stats 1957, Ch 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 845.2 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 633

An act to amend Section 919 of the Fish and Game Code, and amend Section 8780 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to bait nets.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 919 of the Fish and Game Code is amended to read:

Bait net

919. As used in this chapter the term "bait net" means a lampara or round haul type net, the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton

seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in any ocean district except District 20; provided, that in Districts 19A and 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only, and no other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section shall prohibit the use of bait nets in Districts 19A and 19B for taking fish for use as fish food in state fish hatcheries.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 919 of the Fish and Game Code adopted in 1933 is repealed.

Effect Stats 1957, Ch 456

CHAPTER 634

An act to amend Section 32002.3 of the Health and Safety Code, relating to district hospital elections.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 32002.3 of the Health and Safety Code is amended to read:

32002.3. Except as otherwise provided in this division, notice of all district elections shall be given by publishing the notice calling the election not less than once a week for two successive weeks before the election in a newspaper published in the district, if there is one, but, if none, then in a newspaper published in the county. Said notice need only specify the time and place of the election, the hours during which the polls will be open, and the officers to be elected and the propositions to be voted upon.

CHAPTER 635

An act to amend Section 36502 of the Government Code, relating to city officers.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 36502 of the Government Code is amended to read:

36502. A person is not eligible to hold office as councilman, city clerk, or city treasurer unless he is at the time of assuming such office an elector of the city, and has resided in the city for the year preceding his election.

CHAPTER 636

An act to amend Section 349½ of the Code of Civil Procedure, relating to proceedings for incorporation of a city.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 349½ of the Code of Civil Procedure is amended to read:

349½. The validity of any proceedings for the incorporation of a municipal corporation, the annexation of territory to a municipal corporation, or for the consolidation of municipal corporations, shall not be contested in any action unless such action shall have been brought within three months after the completion of such proceedings, or, in case such proceedings are completed prior to the time that the amendments to this section enacted at the 1957 Regular Session of the Legislature take effect, then within three months after such amendments shall have become effective.

CHAPTER 637

An act to add Article 9, commencing at Section 1691, to Chapter 3 of Division 2 of the Education Code, relating to notice of school district elections.

In effect September 11, 1957

[Approved by Governor May 24, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Article 9 is added to Chapter 3 of Division 2 of the Education Code, to read:

Article 9. Notice of Elections

1691. In the case of any school district election called or conducted under the provisions of this code, 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. Costs incurred by the county clerk or the registrar of voters in connection with this section shall be paid out of the funds of the district.

CHAPTER 638

An act to amend Section 31652.1 of the Government Code, relating to retirement of employees.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 31652.1 of the Government Code is amended to read:

31652.1. Notwithstanding any other provisions of this article, every member who is a member on the effective date of this section and who, at any time prior to that date, had withdrawn his accumulated normal contributions, and who, upon his subsequent return to county service, has not elected to redeposit such contributions, shall have the right, not later than June 30, 1958, to elect by written notice filed with the board, to pay into the Retirement Fund the amount of accumulated normal contributions previously withdrawn, as required under Section 31652, plus regular interest at current rates from date of his return to county service to date of payment.

CHAPTER 639

An act to amend Section 1944 of the Labor Code, relating to the employment of aliens by local hospital districts and county hospitals.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a foreigner.

(b) To any member of the faculty or teaching force of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To the employment by hospital districts or a county hospital of professional persons actually licensed by the State of California.

CHAPTER 640

An act to add Section 32121.1 to the Health and Safety Code, relating to the delegation of authority to the hospital administrators of a local hospital district.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 32121.1 is added to the Health and Safety Code, to read:

32121.1. By resolution, the board of directors of a local hospital district may delegate to its administrator the power to employ (subject to the pleasure of the board of directors), and discharge, such subordinate officers and employees as are necessary for the purpose of carrying on the normal functions of any hospital operated by the district.

CHAPTER 641

An act to amend Section 32121 of the Health and Safety Code, relating to the powers of a local hospital district to prescribe the duties and powers of the hospital administrator.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 32121 of the Health and Safety Code is amended to read:

District powers

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure;

(b) To sue and be sued in all courts and places and in all actions and proceedings whatever;

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest

and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;

(h) To prescribe the duties and powers of the hospital administrator, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(j) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(k) To do any and all other acts and things necessary to carry out the provisions of this division.

(*l*) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

CHAPTER 642

An act to amend Section 14645 of the Education Code, relating to the employment of retired teachers.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 14645 of the Education Code is amended 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.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

CHAPTER 643

An act to amend Section 5003 of the Public Resources Code, relating to powers and duties of the State Park Commission.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 5003 of the Public Resources Code is amended to read:

5003. The State Park Commission shall administer, protect, and develop the State Park System for the use and enjoyment of the public. It may establish rules and regulations not inconsistent with law for the government and administration of the State Park System. It may enter into contracts with cities, counties, or other subdivisions of the State, for the care and maintenance of park areas, and it may expend all moneys of the State Park Commission, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the State Park System.

It may enter into contracts with persons, firms or corporations to maintain and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the State Park System. The commission shall obtain the approval of the Department of Finance before entering into any such contract if the contract would authorize occupancy for a period of more than one year of property owned by the State.

It may, with the approval of the Department of Finance, enter into contracts with a regional park district for the care and maintenance of, to maintain and operate concessions within, and to act as agent of the commission in the management of, any beaches, parks, public campgrounds, monument site, landmark site, site of historical interest, or other state park areas under its control.

CHAPTER 644

An act to amend Section 6.1 of the Alameda County Flood Control and Water Conservation District Act, relating to the appointment of an advisory commission.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 6.1 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 6.1. The board may appoint a commission consisting of nine (9) members to assist and advise said board in the institution of projects or works of improvement, and the board may by ordinance provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the advisory commission shall serve at the pleasure of the board.

CHAPTER 645

An act to amend Section 542 of the Agricultural Code, relating to dairy farms.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 542 of the Agricultural Code is amended to read:

542. No notice for a subsequent infraction of any provision of this article, for which a notice, as herein provided, has been issued shall be required if such subsequent infraction occurs during the three-month period following issuance of original notice.

CHAPTER 646

An act to add Section 50534 to the Government Code, authorizing a county and retirement board to contract for the erection of public buildings on public squares.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SECTION 1. Section 50534 is added to the Government Code, to read:

50534. A county and a retirement board created pursuant to the County Employees Retirement Law of 1937 may contract

for the erection of public buildings on such public squares pursuant to the provisions of said County Employees Retirement Law of 1937 and other applicable statutes. All work on such buildings shall be subject to the provisions of Division 2, Part 7, of the Labor Code.

CHAPTER 647

An act to add Section 6060.9 to the Business and Professions Code, relating to law schools.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 6060.9 is added to the Business and Professions Code, to read:

6060.9. Approval of any agency or agencies not existing under and by virtue of the laws of this State shall not be made a condition for accreditation of any California law school.

CHAPTER 648

An act to amend Section 2103 of the Education Code, relating to compensation of members of school boards.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 2103 of the Education Code is amended to read:

2103. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, each member of the city board of education shall receive as compensation for his services the sum of five hundred dollars ($500) per month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city. The member shall receive full compensation only if he attends not less than ten (10) meetings of the board for the month for which he receives compensation. In the event he attends less

than ten (10) meetings in any month he shall receive compensation for that month in an amount that bears the same ratio to five hundred dollars ($500) as the number of meetings he actually attends bears to ten (10).

CHAPTER 649

An act to amend Section 338 of the Code of Civil Procedure, relating to the statute of limitations applicable to actions for slander of title.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 338 of the Code of Civil Procedure is amended to read:

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods, or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake. The cause of action in such case not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

5. An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not to be deemed to have accrued until the discovery, by the aggrieved party or his agent, of the facts constituting said cause of action upon the bond.

6. An action against a notary public on his bond or in his official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his agent, of the facts constituting said cause of action; provided, that any action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his agent, of the facts constituting said cause of action or within three years from the performance of the notarial act giving rise to said action, whichever is later; and provided further, that any action against a notary public on his bond or in his official capacity must be commenced within six years.

7. An action for slander of title to real property.

CHAPTER 650

An act to add Section 24009 to the Government Code, relating to elective officers of counties.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 24009 is added to the Government Code, to read:

24009. The county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner.

CHAPTER 651

An act to amend Sections 7725, 7726 and 7729 of the Business and Professions Code, relating to funeral directors.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 7725 of the Business and Professions Code is amended to read:

License renewal

7725. Every licensed funeral director, every licensed embalmer and every registered apprentice, shall pay an annual fee for the renewal of his or its license to the department.

The board shall mail on or before the tenth day of December of each year to each licensed funeral director, each licensed embalmer and each registered apprentice, addressed to him at his last known address a notice that a renewal fee is due and payable.

If a licensee or registrant fails to renew his license or certificate on or before January 31st, it shall expire automatically and may thereafter be renewed only upon application therefor in such form as the board may prescribe and payment of the renewal fee and penalty fee prescribed by this chapter for each year or part thereof since its expiration, except that the total of such fees shall not exceed forty-five dollars ($45). In no case may the penalty fee be waived.

If the license or certificate is not renewed within one year following its expiration, the board may require as a condition of renewal that the delinquent licensee pass an examination on the appropriate subjects prescribed by this chapter.

Upon the receipt of the fees, the department shall cause the renewal certificate to be issued

SEC. 2. Section 7726 of said code is amended to read:

License reinstatement

7726. When a funeral director or embalmer has had his or its license suspended, canceled, or revoked by the board, the

board, upon written application by the licensee affected, upon not less than 10 days' notice to all parties of record in the particular case, and after hearing all evidence offered in support of and in opposition to such application, may, in its discretion, and upon such terms as it may deem just, reinstate the applicant; provided, the application, in case of lapse, is accompanied by all fees and penalties, the total of which fees and penalties shall not exceed forty-five dollars ($45), from the time of the lapse to the date of reinstatement. On or before December 10th of each year the board shall mail to each licensee and each registrant, addressed to him at his last known address, a notice advising him of the provisions of Section 7725.

SEC. 3. Section 7729 of said code is amended to read:

Fees and penalties

7729. The amount of the fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a funeral director's license is thirty-five dollars ($35).

(b) The fee for change of location is twenty dollars ($20).

(c) The fee for permission to assign a funeral director's license is fifteen dollars ($15).

(d) The application fee for an embalmer's license is twenty-five dollars ($25).

(e) The application fee for a certificate of registration as an apprentice is one dollar ($1).

(f) The renewal fee payable by a licensed funeral director is twenty-five dollars ($25) but the board may increase the fee to not more than thirty-five dollars ($35) in one or more years or may reduce the fee to not less than fifteen dollars ($15) in one or more years.

(g) The renewal fee payable by a licensed embalmer is seven dollars and fifty cents ($7.50) but the board may increase the fee to not more than ten dollars ($10) in one or more years or may reduce the fee to not less than five dollars ($5) in one or more years.

(h) The annual renewal fee payable by a registered apprentice shall be one dollar ($1).

(i) The penalty for failure to pay a funeral director's renewal fee is ten dollars ($10).

(j) The penalty for failure to pay an embalmer's renewal fee is ten dollars ($10).

(k) The penalty for failure to pay an apprentice's renewal fee is five dollars ($5).

(*l*) The fee for permission to change the name appearing on the license is ten dollars ($10).

(m) The fee for a duplicate funeral director's license is five dollars ($5).

(n) The fee for a duplicate embalmer's license is five dollars ($5).

(o) The fee for a duplicate certificate of registration is one dollar ($1).

CHAPTER 652

An act to amend Section 7707 of, and add Section 7718.5 to, the Business and Professions Code, relating to funeral directors and embalmers.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 7707 of the Business and Professions Code is amended to read:

Authority to discipline

7707. Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

SEC. 2. Section 7718.5 is added to said code, to read:

Misdemeanor

7718.5. Every person as an individual, as a partner in a partnership or as an officer or employee of a corporation, association or other organization, who, without a license, holds himself out as a funeral director, is guilty of a misdemeanor.

CHAPTER 653

An act to amend Section 22102 of the Education Code, relating to the establishment of county libraries.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 22102 of the Education Code is amended to read:

22102. The board of supervisors of any county may establish at the county seat or elsewhere in the county, a county free library for that part of the county lying outside of cities maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of the county as may elect to become a part of, or to participate in, the county free library system as provided in this chapter.

CHAPTER 654

An act to amend Section 21655.1 of the Water Code, relating to elections in irrigation districts.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 21655.1 of the Water Code is amended to read:

21655.1. In addition to publication or posting of notice, the board may in its discretion cause sample ballots or notices of the day, hours and polling place to be mailed to voters in precincts in which an election is being held. Campaign literature shall not be enclosed with such notice.

CHAPTER 655

An act to add Section 37 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to annexations to the zones of the district.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 37 is added to the Alameda County Flood Control and Water Conservation District Act, to read:

Annexation of territory Proceedings

Sec. 37. Notwithstanding any other provisions of this act, the following shall apply with respect to the annexation of new territory to any zone:

1. A petition for annexation by election signed by 25 percent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other zone; and shall ask that the territory be annexed to the zone. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars ($100), to be approved by the board and filed with the clerk of the board as security for the payment by the petitioners of the reasonable cost of the election on annexation, in the event that at the election, less than a majority of the votes cast are in favor of annexation. The petition shall be verified by the affidavit of one of the petitioners. The petition shall be published by the petitioners for at least two weeks preceding its hearing in a newspaper of general circulation published in the zone, if there is one, and if not, in a newspaper of general circulation published in the district, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board, and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. At the time specified for the hearing, the board shall hear the petition and may adjourn the hearing from time to time. Upon final hearing of the petition, the board, if it approves the petition as originally presented, or in a modified form, shall make an order describing the exterior boundaries of the territory proposed

to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the zone. The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the zone. This order shall be entered in the minutes and is conclusive evidence of a due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signing and presentation of the petition, qualified to sign. If a majority of the votes in the territory proposed to be annexed and an election called therein by the board for that purpose are in favor of the annexation the clerk of the board shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition and the petition shall be filed. The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law and of the facts stated in the entry. The board at its next regular meeting after the entry shall, by an order, alter the boundaries of the zone and annex to it the territory described in the petition. The order of the board is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the zone. If, at the election, less than a majority of the votes in a territory proposed to be annexed are in favor of the annexation of the territory to the zone, the signers of the petition shall, within 10 days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election and if not paid within 10 days, the board may sue on the bond to recover the cost of the election If the result of the election is against annexation, the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceeding shall be taken in relation thereto until the expiration of six months from the presentation of the petition, except to collect the costs of the election.

2. A petition for annexation without election signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll. The petition shall state that the territory is not in any other zone and shall ask that the territory be annexed to the zone. The petition shall be verified by the affidavit of one of the petitioners. It shall be published by petitioners at least two weeks preceding the hearing in a newspaper of general circulation published in the zone, if there is one, and if not, in a newspaper of general circulation published in the district.

With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. At the time designated the board shall hear the petition and any person interested, and may adjourn the hearing from time to time. Upon the hearing of the petition, the board shall determine whether or not it is for the best interests of the zone and the contiguous territory that the territory be annexed to the zone and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. If the board upon final hearing determines that it is for the best interests of the zone and of the territory proposed to be annexed, that the territory be annexed it shall make an order describing the boundaries of the territory proposed to be annexed and shall alter the boundaries of the zone and annex to it the territory described in the petition and the territory is then a part of the zone.

3. No petition for annexation by either of the above mentioned methods shall be accepted by the board if a zone annexation petition involving any of the same territory is pending before it.

4. Whenever any new territory is annexed to a zone it thereupon becomes subject to all the liabilities and entitled to all the benefits of the zone; provided, further, that as a condition of annexation the board may by resolution determine that each parcel of the territory to be annexed should pay its proportionate share of all costs previously paid for by other properties within said zone and shall in said resolution fix the amount to be contributed by each parcel.

CHAPTER 656

An act to add Sections 29010.1 and 29086.1 to the Government Code, relating to establishment of a sales tax reserve.

[Approved by Governor May 30, 1957 Filed with Secretary of State May 31, 1957]

In effect September 11, 1957

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

SECTION 1. Section 29010.1 is added to the Government Code, to read:

29010.1. "Sales tax reserve" means a fund that may be established by the board of supervisors to meet any deficit between estimates of sales tax and actual sales tax receipts. The said fund may also be used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. "Sales tax reserve"

SEC. 2. Section 29086.1 is added to said code, to read:

29086.1. The board may provide for the cancellation of the sales tax reserve at the end of each fiscal year and for Cancellation

the re-establishment of such reserve in each annual budget or may carry it forward as encumbered surplus and add to it from any surplus of sales tax receipts over estimated revenue in the preceding budget.

CHAPTER 657

An act to amend Section 22505 of the Water Code, relating to irrigation districts.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 22505 of the Water Code is amended to read:

22505. A district may lease any of its property to the State of California, a public agency of the State, a city, county, district, or other political subdivision of the State, whenever such a lease will benefit the district. Property may be so leased for monetary consideration or other benefit to the district without publishing notice or receiving bids if the board, by resolution entered upon its minutes, determines that the leasing is for the best interests of the district and will not interfere with the use of the property by the district for district purposes.

CHAPTER 658

An act to amend Section 3.1 and to repeal Section 30.2 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), relating to payment of bonds.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 3.1 of the Water Conservation Act of 1931 is amended to read:

Petition contents

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

improvement district, as the case may be, and such real property shall be liable to be taxed for the payment of principal and interest of said bonded indebtedness until said bonds are fully paid; provided, however, that the funds raised from assessments to be levied upon all real property in the proposed district or in the improvement district created therein shall be paid into the bond fund and shall be used for the sole purpose of paying the principal and interest of said bonded indebtedness until said bonds are fully paid and for no other purpose. Any such assessment shall be levied in the manner provided in this act.

SEC. 2. Section 30.2 of the Water Conservation Act of 1931 is hereby repealed. Repeal

---

CHAPTER 659

An act to add Section 1194.1 to the Insurance Code, Sections 20205.1, 31595.1, 45308.1 to the Government Code, and Section 14340.1 to the Education Code, relating to the investment of public moneys in bonds issued under the improvement Bond Act of 1915.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.] In effect September 11, 1957

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

SEC. 1. Section 1194.1 is added to the Insurance Code, to read:

1194.1. Excess funds investments may be made in bonds issued pursuant to the Improvement Bond Act of 1915. Investments

SEC. 2. Section 20205.1 is added to the Government Code, to read:

20205.1. The board may invest the funds of the Retirement Fund in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made. Retirement Fund

SEC. 3. Section 31595.1 is added to said code, to read:

31595.1. Notwithstanding the provisions of Section 31595, funds received by the county treasurer not required for current disbursements may be invested in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of as- Investment of county funds

sessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made. Such investment may be made by the retirement board with the approval of the board of supervisors of the county.

SEC. 4. Section 45308.1 is added to the Government Code, to read:

Pension or retirement fund

45308.1. Funds in the pension or retirement fund may be invested in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

SEC. 5. Section 14340.1 is added to the Education Code, to read:

Bond investment

14340.1. Notwithstanding the provisions of Section 14340, investments may be made in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

CHAPTER 660

An act to amend Section 32004.8 of the Health and Safety Code, relating to hospital district.

In effect September 11, 1957

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Section 32004.8 of the Health and Safety Code is amended to read:

32004.8 The hearing, notice, election, fixing of boundaries, declaration of exclusion by resolution, and filing of the resolution, unless otherwise provided in Section 32004.7, shall be as in the manner provided by Sections 32004.3, 32004.4, 32004.5, and 32004.6 relating to annexation of territory.

CHAPTER 661

An act to amend Section 24405 of the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor May 30, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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 water or agricultural products.

CHAPTER 662

An act to amend Section 699.5 of the Military and Veterans Code, relating to assistance to veterans and their dependents.

[Approved by Governor May 31, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 699.5 of the Military and Veterans Code is amended to read:

699.5. The department may assist every veteran of any war of the United States and the dependent of every such veteran in presenting and pursuing such claim as the veteran or dependent may have against the United States arising out of war service and in establishing the veteran's or dependent's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this State. The department may cooperate and, with the approval of the Department of Finance, contract with any organization of veterans chartered by the Congress of the United States and authorized by the Veterans Administration to pursue claims before federal agencies and which has regularly, for a period of five years next preceding the date of such contract, maintained an established committee or agency, in a Veterans Administration regional office in the State of California, rendering similar services to veterans and dependents as the services referred to in this section and pursuant to such contract may compensate such organization for services within the

Veteran's aid

scope of this section rendered by it to any veteran or dependent. The department also may cooperate and, with the approval of the Department of Finance, contract with any other organization of veterans authorized by the Veterans Administration to pursue claims before federal agencies and which has regularly, for a period of 12 years next preceding the date of such contract, maintained an established committee or agency, in a Veterans Administration regional office in the State of California, rendering similar services to veterans and dependents as the services referred to in this section and pursuant to such contract may compensate such organization for services within the scope of this section rendered by it to any veteran or dependent. No such contract shall be made unless the department determines that, owing to the confidential relationships involved and the necessity of operating through agencies which the veterans or dependents involved will feel to be sympathetic towards their problems, the services cannot satisfactorily be rendered otherwise than through the agency of such veterans organization and that the best interests of the veterans or dependents involved will be served if such contract is made.

CHAPTER 663

An act to add Article 13, consisting of Sections 31800 to 31814, inclusive, to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to the retirement of employees of local governmental agencies in respect to the integration of old age and survivors insurance coverage with existing local systems, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 31, 1957. Filed with Secretary of State May 31, 1957.]

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

SECTION 1. Article 13 is added to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, to read:

Article 13. Integration With Old Age and Survivors Insurance

Coverage

31800. The provisions of this article shall be applicable to any member who is subject to the federal old age and survivors insurance provisions of the Social Security Act, when the governing board of the county or district in which the member is employed adopts by majority vote a resolution providing that this article shall be applicable to all members in such county or district who are subject to the federal system. The provisions of this article shall become fully effective and operative on the date specified in such resolution; provided, however, such resolution shall have received prior approval by majority affirmative vote of eligible members employed by the

county or district in a referendum conducted in accordance with the provisions of Article 2, Chapter 2, Part 4, Division 5, of Title 2 of this code. Nothing in this article shall be construed as negating or in any way affecting the validity of a referendum vote conducted prior to the enactment of this article, whereby a majority of members employed by a county or district voted in favor of federal old age and survivors insurance coverage on a purely additive or supplemental basis.

Operative effect

31801. It is the intent of the Legislature that the enactment of this article shall authorize persons in positions covered by a retirement system pursuant to this chapter to participate in the federal old age and survivors insurance provisions of the Social Security Act without jeopardizing the continued maintenance of their local system.

To this end and notwithstanding any other provisions of this chapter, the provisions of this article, when made applicable by resolution of the governing board, shall supersede or modify any inconsistent provision in this chapter in its application to every member whose position is included in an agreement between the State and Federal Government for coverage under the old age and survivors insurance provisions of the Social Security Act.

The provisions of this chapter are not repealed by this article however, and except as superseded or modified by this article in their application to members who are covered by old age and survivors insurance, they shall continue to be fully effective and operative.

Nothing in this article shall authorize the extension of the federal system to service in any policeman's or fireman's position covered by a retirement system established under this chapter.

"Federal agency"

31802. "Federal agency" means the Secretary of Health, Education and Welfare, or the predecessor or successor in functions to such officer.

"Federal system"

31803. "Federal system" means the old age and survivors insurance provisions of the Social Security Act.

31804. 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.

Limit on benefits

31805. No benefits shall be paid pursuant to this article to a member retired for service which when added to the primary insurance amount payable to the member under the federal system will exceed 75 percent of the final compensation of the member.

Retirement

31806. The provisions of this chapter requiring retirement at age 70 shall not be applicable to any person who is a member on the effective date of this article when the application of such provision would preclude the member from qualifying for federal benefits, but such member shall be retired forthwith upon qualifying for such federal benefits.

Minimum allowance

31807. The retirement allowance payable to a person, who was a member on the effective date of this article in any county

pursuant to this article, shall not be less than an amount which, when added to the primary insurance amount which would become payable to him under the federal system will equal the allowance which would otherwise be payable to the member under the provisions of this chapter if this article were not applicable to the member.

Allowance payable

31808. In any county or district subject to the provisions of Section 31676.1, the retirement allowance payable for retirement for service rendered prior to the effective date of the resolution mentioned in Section 31800 shall be computed in accordance with the provisions of Section 31676.1. The retirement allowance with respect to service performed after the effective date of this article shall equal the total of the following:

(a) The fraction of one-ninetieth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table appearing in Section 31676.1 in the column applicable to his sex and age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-sixtieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31676.1 in the column applicable to his sex and age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

Computation of pension

31809. In any county or district which is not subject to the provisions of Section 31676.1, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the following: (a) with respect to service performed prior to the effective date of this article the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement; (b) with respect to service performed after the effective date of this article (1) the fraction of one-ninetieth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service with which he is entitled to be credited at retirement plus (2) the fraction of one-sixtieth of any remaining portion of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service with which he is entitled to be credited at retirement.

Age of retirement	Fraction Men	Women
50	.5352	.5591
50¼	.5445	.5683
50½	.5537	.5774
50¾	.5630	.5866
51	.5722	.5957
51¼	.5814	.6047
51½	.5906	.6137
51¾	.5998	.6226
52	.6090	.6316
52¼	.6184	.6407
52½	.6279	.6499
52¾	.6373	.6590
53	.6467	.6681
53¼	.6565	.6775
53½	.6664	.6869
53¾	.6762	.6962
54	.6860	.7056
54¼	.6965	.7156
54½	.7070	.7255
54¾	.7174	.7355
55	.7279	.7454
55¼	.7393	.7561
55½	.7506	.7668
55¾	.7619	.7775
56	.7732	.7882
56¼	.7855	.7998
56½	.7978	.8114
56¾	.8102	.8230
57	.8225	.8346
57¼	.8360	.8472
57½	.8494	.8598
57¾	.8629	.8724
58	.8964	.8850
58¼	.8911	.8987
58½	.9059	.9125
58¾	.9206	.9262
59	.9353	.9399
59¼	.9515	.9549
59½	.9676	.9699
59¾	.9838	.9849
60	1.0000	1.0000
60¼	1.0110	1.0111
60½	1.0221	1.0223
60¾	1.0332	1.0335
61	1.0443	1.0447
61¼	1.0591	1.0597
61½	1.0739	1.0747
61¾	1.0887	1.0898
62	1.1035	1.1048
62¼	1.1191	1.1207

Age of retirement	Fraction Men	Women
62½	1.1348	1.1367
62¾	1.1504	1.1526
63	1.1660	1.1686
63¼	1.1826	1.1855
63½	1.1991	1.2025
63¾	1.2157	1.2195
64	1.2322	1.2365
64¼	1.2498	1.2547
64½	1.2673	1.2729
64¾	1.2849	1.2911
65 and over	1.3025	1.3093

Allowance option

31810. A member who retires for service prior to age 65 and who at the time of retiring is fully insured under the federal system, may, with the approval of the Retirement Board, elect to have his unmodified retirement allowance increased prior to age 65 and reduced after age 65 by amounts which have equivalent actuarial values. This modification is for the purpose of coordinating a member's retirement allowance with benefits receivable from Federal Social Security.

Beneficiary

31811. If a member who has elected the option provided in Section 31810 dies leaving a beneficiary entitled to an allowance based upon the allowance of the member, the beneficiary's allowance shall be based upon the allowance the member would have received had he not elected the option.

Contribution

31812. Each member shall continue to contribute as provided for in Article 6 of this chapter less an amount equal to one-third of that portion of such contribution which is payable with respect to the first three hundred fifty dollars ($350) monthly wage.

Simultaneous effect of federal system

31813. If this article is effective simultaneously with the effective date of coverage of members under the federal system, the employee and employer federal contributions required with respect to salaries and wages paid for services rendered after the effective date of coverage of such member under the federal system and prior to the time that federal contributions are first deducted from the salaries and wages of such members shall be paid (1) the employee contribution by the county from the member's accumulated contributions to the extent that such retroactive costs do not exceed one-third of the member's contributions for such retroactive period (2) the employer contributions from contributions made by the county or district during such retroactive period.

If the member's federal contributions payable for such period is greater than one-third of the member's contributions under this chapter during such period the difference shall be paid by the member to the county or district in such manner as may be determined by the Retirement Board.

If the federal contributions payable by the member for such period is less than one-third of the normal contributions

made by the member pursuant to the provisions of this chapter for such period, the county or district shall refund the amount of such excess with interest thereon to the member.

Subsequent effect of federal system

31814. If this article is effective subsequent to the effective date of the coverage of members under the federal system the employees' federal contributions required of members with respect to salary and wages paid for service rendered after the effective date of coverage of such member under the federal system and prior to the time that federal contributions are first deducted from the salary or wage of such members, shall be paid to the county or district by the member in such manner as may be determined by the Retirement Board.

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:

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 public agencies who are members of a retirement system established pursuant to the County Employees Retirement Law of 1937, may be so covered without jeopardizing the continued maintenance of their system it is necessary that provision be made for the integration of the two systems; further, time is of the essence if such employees are to be able to take advantage of the retroactivity provision of the old age and survivors insurance portion of the Social Security Act.

CHAPTER 664

An act to amend Section 72706 of the Government Code, relating to the municipal court established in a judicial district embracing the City of Los Angeles.

[Approved by Governor May 31, 1957. Filed with Secretary of State May 31, 1957.]

In effect September 11, 1957

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

SECTION 1. Section 72706 of the Government Code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding six, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers

and duties as may be prescribed by law. The commissioners shall hold office at the pleasure of the judges and shall receive an annual salary equal to that specified in Section 70140 for commissioners of the superior court. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attaches of the court.

CHAPTER 665

An act to amend Sections 8001, 8016, 8023, and 8025 of, and to add Section 8026 to, and to repeal Section 8026 of, the Business and Professions Code, relating to shorthand reporters.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

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

SECTION 1. Section 8001 of the Business and Professions Code is amended to read:

Term of office, vacancies, etc

8001. Members of the board shall be appointed for terms of three years and they shall hold office until the appointment and qualification of their successors, or until six months shall have elapsed since the expiration of the term for which they were 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.

Of the members first appointed under this chapter the terms of two members shall expire on December 31, 1952, and the terms of three members shall expire on December 31, 1953.

Vacancies occurring shall be filed by appointment for the unexpired term.

SEC. 2. Section 8016 of said code is amended to read:

Certificate

8016. No person shall engage in the practice of shorthand reporting as defined in this chapter, unless such person is the holder of a certificate in full force and effect issued by the board. This section does not apply to a salaried, full-time employee of a district attorney or of any department or agency of the State who is employed as a hearing reporter. Nothing in this chapter shall be construed to prohibit the employment of any person not holding a certificate until a certified shorthand reporter is available.

SEC. 3. Section 8023 of said code is amended to read:

Examination

8023. No certificate shall be issued until the applicant has passed the examination prescribed by the board.

SEC. 4. Section 8025 of said code is amended to read:

Suspended or revoked

8025. A certificate issued under this chapter may be suspended or revoked for one or more of the following causes:

(a) Conviction of a felony or a misdemeanor involving moral turpitude, and arising from or in connection with the

practice of shorthand reporting. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction.

(b) Fraud or misrepresentation resorted to in obtaining a certificate hereunder.

(c) Fraud, dishonesty, corruption, wilful violation of duty, gross incompetency in practice, unprofessional conduct.

SEC. 5. Section 8026 of said code is hereby repealed. Repeal

SEC. 6. Section 8026 is added to said code, to read:

8026. 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 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. Plea or verdict of guilty

---

CHAPTER 666

An act to amend Section 28157 of the Government Code, relating to compensation for public service in counties of the fifty-seventh class.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.] In effect September 11, 1957

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

SECTION 1. Section 28157 of the Government Code is amended to read:

28157. In a county of the fifty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

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

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court four dollars ($4), and fifteen cents ($0.15) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

CHAPTER 667

An act to amend Section 28130 of the Government Code, relating to compensation for public service in counties of the thirtieth class.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

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

SECTION 1. Section 28130 of the Government Code is amended to read:

28130. In a county of the thirtieth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand eight hundred dollars ($9,800) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the work of the county and State and is prohibited from engaging in private work or practice.

(c) Each supervisor, five thousand dollars ($5,000) a year which shall be in full for all services rendered as supervisor.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. The compensation provided for by this section shall be paid to incumbent officers.

CHAPTER 668

An act to repeal Section 3 of Chapter 605 of the Statutes of 1933, relating to an appropriation for the payment of interest on registered warrants.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 605 of the Statutes of 1933 is hereby repealed.

CHAPTER 669

An act to add Section 25155 to the Corporations Code, relating to agreements for the issuance or sale of securities under the Corporate Securities Law.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25155 is added to the Corporations Code, to read:

Sale or issuance of own security

25155. No provision of the Corporate Securities Law prohibits a company from making an agreement to sell or issue any security of its own issue if:

(a) Each of the proposed purchasers who is a party to the agreement is a broker holding a broker's certificate issued by the commissioner or a broker-dealer registered as such under the Securities Exchange Act of 1934; or

(b) All of the proposed purchasers are parties to the agreement and each such party is a bank, savings institution, trust company, insurance company, investment trust, pension fund or pension trust, employees' profit-sharing trust, financial institution or a corporation engaged, as a substantial part of its business or operations, in investing funds in securities, and each such party undertakes in the agreement, in substance, that such party will purchase the security for investment and not for the purpose of making any public distribution thereof; and

(c) If the agreement states that none of the proposed purchasers of the security is obligated to pay all or any portion of the purchase price of the security unless and until the company proposing to issue or sell the security has obtained from the commissioner a permit authorizing the issuance or sale of the security in accordance with the agreement.

Nothing in this section permits the payment, to or for the account of a company proposing to issue or sell any security of its own issue, of the purchase price, or any portion thereof, unless and until such company has obtained from the commissioner a permit authorizing the issue or sale of such security.

CHAPTER 670

An act to repeal Section 16426 of, and to amend Sections 9521 and 16425 of, the Education Code, and to amend Section 485 of the Health and Safety Code, relating to the provision of health services in schools.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 16426 of the Education Code is repealed.

SEC. 2. Section 9521 of said code is amended to read:

Alternative health services

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, or with any local health district located wholly or partially within such county, for the provision of health services by employees of the county health department or local health district to pupils in the school districts specified in Section 9520.

SEC. 3. Section 16425 of the Education Code is amended to read:

Contracts

16425. Contracts between any city, county, or local health district and the governing board of any school district located wholly or partially within such city, county, or local health district for the performance by the health officers or other employees of the health department of such city, county, or local health district of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to health supervision of school buildings and pupils are hereby authorized.

In any such contracts the consideration shall be such as may be agreed upon by the governing board and the city, county, or local health district and shall be paid by the governing board at such times as shall be specified in the contract. This section shall not apply to any district which is under the control of a governing board which has under its control a district or districts having a total average daily attendance of 100,000 or more pupils.

SEC. 4. Section 485 of the Health and Safety Code is amended to read:

Authorization to contract

485. The board of supervisors or the governing body of any city or local health district may contract with the county superintendent of schools of the county or with the governing board of any school district located wholly or partially in such county, city or local health district for the performance by health officers or other employees of the public health departments of any or all of the functions and duties set forth in Chapter 3 of Division 8 of the Education Code, relating to the health supervision of school buildings and of pupils enrolled in the schools of any or all elementary and high school

districts over which the county superintendent of schools, or such governing board, has jurisdiction.

In the contract the consideration shall be such as may be agreed upon by the parties to the contract and shall be paid at such times as shall be specified in the contract to the county treasurer, city treasurer or local health district, as the case may be.

CHAPTER 671

An act to amend Sections 1664 and 1705.2 of the Insurance Code and to add Sections 1720.14, 1780, 1822 and 12283 of said code, relating to insurance.

[Approved by Governor May 31, 1957 Filed with Secretary of State June 1, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1664 of the Insurance Code is amended to read:

1664. Except in the case of a nonresident broker or nonresident agent, every insurance agent or broker shall maintain an office in this State for the transaction of business. Applications for license or renewal of license as insurance agent or broker or notices of intention to keep such licenses in force shall specify the address of the office at which the records required by Section 1663 are intended to be kept. The records shall be kept at such address. Applications for license or renewal of license as an insurance solicitor or notice of intention to keep such license in force shall specify the office address of the solicitor. Every licensee or applicant for a license under this article shall notify the commissioner in writing of any change in such office address.

Resident office

SEC. 2. Section 1705.2 of the Insurance Code is amended to read:

1705.2. The applicant shall set forth in his application the address from which he intends to conduct his business as a life and disability, life only, or disability only agent. Such address shall not be that of the office of an insurer unless the applicant intends to receive his mail and to conduct the ordinary daily details of his business from that office. A licensee or applicant for a license under this article shall notify the commissioner, in writing, of any change in such address.

Business address

SEC. 3. Section 1720.14 is added to the Insurance Code, to read:

1720.14. A licensee or applicant for a license under this article shall notify the commissioner, in writing, of any changes in the address from which he intends to conduct his business.

Report of change of address

SEC. 4. Section 1780 is added to the Insurance Code, to read:

Same

1780. A licensee or applicant for a license under this chapter shall notify the commissioner, in writing, of any change in the address from which he intends to conduct his business.

SEC. 5. Section 1822 is added to the Insurance Code, to read:

Same

1822. A licensee or applicant for a license under this chapter shall notify the commissioner, in writing, of any change in the address from which he intends to conduct his business.

SEC. 6. Section 12283 is added to the Insurance Code, to read:

Same

12283. A licensee or applicant for a license under this chapter shall notify the commissioner, in writing, of any change in the address from which he intends to conduct his business.

CHAPTER 672

An act to amend Section 4201 of the Health and Safety Code, relating to the granting of franchises by counties for the collection, disposal or destruction of combustible and noncombustible rubbish and garbage.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4201 of the Health and Safety Code is amended to read:

4201. Any county may, by resolution of the board of supervisors, call for bids for the granting of a franchise, exclusive or otherwise, for the collection, disposal or destruction, or any combination thereof, of garbage, waste, offal, and debris, according to the terms and conditions set forth in the resolution, for a period of time not to exceed 25 years.

Thereafter the board of supervisors shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in the resolution and the time, date, and place for the receiving and opening of sealed bids which shall not be sooner than four full weeks from date of the first publication of the notice.

Upon examination by the board of supervisors of the bids, the franchise may be awarded to the lowest qualified bidder. The board of supervisors may postpone the granting of the franchise from time to time until it has had a full and complete opportunity to examine into the merits of each bid.

CHAPTER 673

An act to amend Section 5175 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5175 of the Welfare and Institutions Code is amended to read:

5175. In any county the board of supervisors may by ordinance create the office of public guardian and such subordinate positions as may be necessary and fix compensation therefor. Such board of supervisors may appoint a public guardian to fill such office and provide for the appointment to the subordinate positions.

CHAPTER 674

An act to amend Sections 36501 and 38611 of the Government Code, relating to cities.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 36501 of the Government Code is amended to read:

36501. The government of a general law city is vested in: General law city

(a) A city council of five members.

(b) A city clerk.

(c) A city treasurer.

(d) A chief of police.

(e) A fire chief.

(f) Such subordinate officers or employees as are provided for by law.

SEC. 2. Section 38611 of said code is amended to read:

38611. The legislative body of a city organized under general law shall establish a fire department for the city. The fire department shall be under the charge of a chief who shall have had previous training and experience as a fireman. The other members of the fire department shall consist of paid firemen or such companies of volunteer firemen as the legislative body may determine. The city legislative body shall fix and pay the compensation of the chief and other paid firemen. Fire department

Notwithstanding the provisions of this section, and of subdivision (e) of Section 36501, no general law city shall be required to appoint or elect a fire chief or establish a fire department if such city is included within the boundaries of an established fire protection district.

CHAPTER 675

An act to amend Section 4175 of the Agricultural Code, relating to marketing of milk and other dairy products.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4175 of the Agricultural Code is amended to read:

Investigations, hearings on motion or complaint

4175. The director may, upon his motion, or shall, upon the receipt of any verified complaint, investigate any transaction or transactions involving the violation of any provision of this chapter by any person. The director may call and conduct a hearing or hearings in furtherance of such investigation. In the event a verified complaint is received by the director, the director shall cause a copy of such complaint together with a notice of time and place of hearing of such complaint to be served personally or by mail upon such person. Such service shall be made at least 10 days before the hearing, which shall be held in the city or town in which is situated the business location of the person complained of, or in which the transaction complained of is said to have occurred. The person complained of shall, at least three days prior to the date fixed for said hearing, serve upon the complaining party and file with the director a verified answer to all the allegations contained in said complaint. At the time and place appointed for such hearing the director, or his agents, shall hear the parties to such complaint, and shall enter in the office of the director at Sacramento a decision dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each, every and all the respective parties thereto. The director shall have full authority to administer oaths and take testimony thereunder, to issue subpenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpenas of said director shall be guilty of contempt and shall be certified to the superior court of the State, in and for the county wherein such contempt occurs, for punishment for such contempt in accordance with Sections 11180 to 11191, inclusive, of the Government Code.

CHAPTER 676

An act to amend Section 5161 of the Public Utilities Code, relating to household goods carriers.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5161 of the Public Utilities Code is amended to read:

5161. The commission shall, in granting permits pursuant to this chapter, require the household goods carrier to procure, and continue in effect during the life of the permit, adequate protection, against liability imposed by law upon the carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of the household goods carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than thirty thousand dollars ($30,000); and protection in an amount of not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission shall require all household goods carriers to procure and continue in effect during the life of the permit cargo insurance in the amount of five thousand dollars ($5,000).

CHAPTER 677

An act to amend Section 5136 of the Public Utilities Code, relating to household goods carriers.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5136 of the Public Utilities Code is amended to read:

5136. Each application for issuance of a permit under this chapter shall be accompanied by a fee of one hundred dollars ($100).

The filing fee for an application for transfer of a permit is fifty dollars ($50).

All fees paid to the commission under this chapter shall be deposited in the Transportation Rate Fund.

CHAPTER 678

An act to amend Section 25611 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 25611 of the Business and Professions Code is amended to read:

25611. No sign or signs which in whole or in part advertise any alcoholic beverage and exceed in area 720 square inches, and no sign using the words "bar," "barroom," "saloon," "cocktail bar," or "lounge," or words of like or similar import, except the word "tavern," shall be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises.

CHAPTER 679

An act to amend Section 16901 of the Health and Safety Code, relating to the State Housing Act.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 16901 of the Health and Safety Code is amended to read:

16901. (a) The flue, vent, or chimney shall be either a terra cotta patent chimney; or shall be constructed of brick, fire clay, or a similar masonry product, not less than one-half of an inch thick, or a double wall metal pipe or asbestos cement pipe which will give an insulating value equal to a terra cotta patent chimney or a masonry product, and which will not disintegrate from the effects of gas fumes and other products of combustion.

CHAPTER 680

An act to amend Section 16906 of the Health and Safety Code, relating to the State Housing Act.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 16906 of the Health and Safety Code is amended to read:

16906. Every gas burning appliance shall be connected to the gas supply piping in a building by approved metal piping, or metal connectors.

CHAPTER 681

An act to amend the title of Chapter 20 (commencing at Section 16900) of Part 1, Division 13 of the Health and Safety Code, relating to the State Housing Act.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The title of Chapter 20 (commencing at Section 16900) of Part 1, Division 13 of the Health and Safety Code is amended to read:

CHAPTER 20. GAS APPLIANCES AND VENTS

CHAPTER 682

An act to add Section 16903.1 to the Health and Safety Code, relating to the State Housing Act.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 16903.1 is added to the Health and Safety Code, to read:

16903.1. Gas ranges in buildings hereafter erected shall be ventilated by a vent located approximately over the top surface cooking facilities.

CHAPTER 683

An act to add Section 35550.1 to the Streets and Highways Code, relating to parking place commissioners under the Parking District Law of 1951.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 35550.1 is added to the Streets and Highways Code, to read:

35550.1. At its discretion, the legislative body of any city may, by ordinance, provide for the appointment, qualifications, terms of office and number of members of parking place commissioners for such city. Such board shall have all of the powers and duties of parking place commissioners appointed under this part. Such board, so appointed, may be an existing board created by city charter or ordinance or a new board created by ordinance. Such board may act for all vehicle parking districts established within said city under this part.

CHAPTER 684

An act to add Section 20229 to the Government Code, relating to investments of the retirement fund in real property for sale or lease to counties that are contracting agencies with the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20229 is added to the Government Code, to read:

20229. Notwithstanding any other provision of law, the board may, subject to the provisions of this article, invest the money in the retirement fund in real property or improvements constructed or to be constructed on real property when the real property or such improvements are acquired or made by the board for sale or lease to a county that is a contracting member of this retirement system. No investment shall be made in such real property for sale or lease to such a county in excess of 25 percent of the members' contributions and the county's contributions to the retirement fund. The provisions of this article relating to the investments for sale or lease of real property to the State shall be applicable to investments for the sale or lease of real property to counties.

CHAPTER 685

An act to amend Section 50022.2 of the Government Code, relating to local agency ordinances.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 50022.2 of the Government Code is amended to read:

50022.2. Provided that all the procedures and requirements of this article are complied with, any local agency is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. Every primary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance. A local agency ordinance may adopt a code, the adoption of which is expressly required or permitted as a condition of compliance with a state statute, by reference without complying with the procedures and requirements of this article.

CHAPTER 686

An act to add Section 34091.1 to, and to amend Section 65711 of, and repeal Sections 65712, 65713, 65714 and 65715 of the Government Code, relating to street names.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 34091.1 is added to the Government Code, to read:

34091.1. Whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street. Resolution re name

SEC. 2. Section 65711 of said code is amended to read:

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 county or city having the same name or names so similar as to confuse the public, the commission may make any recommendations it deems appropriate to the county or city legislative body which shall thereupon take any action it considers proper. When any street is known by two or more names or when portions of the same street have names that conflict, the commission may recommend to the legislative body a single name for it. Same or conflictive name

SEC. 3. Sections 65712, 65713, 65714 and 65715 of said code are hereby repealed. Repeal

---

CHAPTER 687

An act to add Sections 5557.1 and 5557.2 to the Public Resources Code, relating to the destruction of records of regional park districts.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5557.1 is added to the Public Resources Code, to read:

5557.1. The board may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic reproduction of which is in the files of the district.

SEC. 2. Section 5557.2 is added to said code, to read:

5557.2. The board may authorize the destruction or disposition of any record, paper, or document, which is more than five (5) years old.

CHAPTER 688

An act to add Section 7773.1 to the Education Code, relating to school district public works, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7773.1 is added to the Education Code, to read:

7773.1. If before or after the effective date of this section, an annexation or other inclusion of a portion of an applicant district in another district comprises less than 5 percent of the assessed valuation of the applicant district on the effective date of such change, no annexation or other inclusion shall be deemed to have taken place for the purposes of Sections 7773 and 7774 of this article.

SEC. 2. This act is an urgency measure for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

Many impoverished school districts have recently been undergoing nominal adjustments in boundaries which have no practical effect on their need for school building aid. Under present law, such nominal changes frequently invalidate apportionments or limit the amount that may be apportioned to complete a project, thereby delaying or arbitrarily limiting urgently needed school construction. In order that school children that are without adequate school facilities may be properly housed without delay, it is necessary that this act take effect immediately.

CHAPTER 689

An act to amend Section 28132 of the Government Code, relating to compensation for public service in counties of the thirty-second class.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28132 of the Government Code is amended to read:

County salaries Thirty-second class

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, nine thousand two hundred dollars ($9,200) a year.

(b) The district attorney, twelve thousand dollars ($12,000) 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, six thousand dollars ($6,000) 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 690

An act to amend Section 2873.5 of the Business and Professions Code, relating to vocational nurses.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2873.5 of the Business and Professions Code is amended to read:

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces for a period of not less than 36 months, has completed the basic course of instruction in nursing required by his particular branch of the armed forces, and has been honorably discharged therefrom, shall be granted a license upon proof that he possesses the necessary qualifications of this section, as set forth in his service and discharge records, and upon his passing an examination.

CHAPTER 691

An act to amend Sections 28122 and 28126 of, and to add Section 28123 to, the Health and Safety Code, relating to licenses for cold storage facilities or establishments, and to public health.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28122 of the Health and Safety Code is amended to read:

License

28122. If it finds the plant to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the board, upon the payment of the license fee specified in this chapter, shall issue a license authorizing the applicant to operate a cold storage or refrigerating warehouse for a period of not more than one year.

SEC. 2. Section 28123 is added to the Health and Safety Code, to read:

28123. No person, firm, or corporation shall engage in the operation of a cold storage or refrigerating warehouse for storing articles of food without having obtained from the board a license for each such place of business. This license is nontransferable.

SEC. 3. Section 28126 of the Health and Safety Code is amended to read:

Fee

28126. For each cold storage or refrigerating warehouse or plant operated by an applicant for a license, the annual fee is fifty dollars ($50) due January 1st of each year. The fee for licenses initially issued or renewal licenses becoming due other than on January 1st, shall be prorated in amount and issued so as to expire on January 1st.

Operative date

SEC. 4. This act shall become effective January 1, 1958.

CHAPTER 692

An act to amend Section 35558 of the Government Code, relating to exclusion of uninhabited territory from cities.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 35558 of the Government Code is amended to read:

35558. The legislative body shall appoint one inspector, one judge, and two clerks, for each voting place, as election officers. Each officer shall be a qualified elector of the city.

CHAPTER 693

An act to amend Section 29 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 29 of the American River Flood Control District Act is amended to read:

Sec. 29. The district is hereby authorized to give assurances and commitments to the United States and the State of California that it will operate, repair and maintain any flood control works constructed by the United States and the State of California on the north bank of the American River within or adjacent to the property hereinafter described.

The annual sum required to operate, repair and maintain any works so constructed shall be assessed in the manner set forth in Section 17 hereof, against all taxable property benefited by the works. Assessments made pursuant to this section are not subject to the limitation prescribed in Section 18 of this act.

The following described lands are hereby found and declared to be benefited by any such flood control works so constructed, to wit: All land within the zone, the boundaries of which are hereby described as follows:

Beginning at the northwest corner of Lot 56, as said lot is shown and so designated on the plat of Subdivision of Sec. No. 28, Rancho Del Paso, recorded in the Office of the Recorder of Sacramento County in Book 14 of Maps, Map No. 9, said point of beginning also being a point on the east line of Section 15 of Rancho Del Paso, as shown on the official plat thereof, recorded in the Office of the Recorder of Sacramento County in Book A of Surveys, Map No. 94; thence from said point of beginning easterly one-half mile, more or less, along the northerly line of Lots 56, 55, 54 and 53 to the northeast corner of Lot 53 of said subdivision of Sec. No. 28; thence southerly one-quarter mile, more or less, to the southeast corner of Lot 60 of said subdivision of Sec. No. 28; thence southerly three-eighths of a mile, more or less, along the west line of the northeast one-quarter of Sec. 65 of the Rancho Del Paso, to the southwest corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said Sec. 65; thence easterly one-eighth of a mile, more or less, to the southeast corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said Sec. 65; thence northerly one-eighth of a mile, more or less, to the northeast corner of the northwest one-quarter of the southwest one-

quarter of the northeast one-quarter of said Sec. 65; thence easterly one-eighth of a mile, more or less, to the southeast corner of the northwest one-quarter of the northeast one-quarter of said Sec. 65; thence northerly one-quarter of a mile, more or less, to the northeast corner of the northwest one-quarter of the northeast one-quarter of said Sec. 65; thence easterly one-quarter mile, more or less, to the section corner common to Secs. 28, 29, 65 and 62 of the Rancho Del Paso, being a point on the centerline of Fulton Avenue; thence southerly one and one-half miles, more or less, along the centerline of Fulton Avenue to the northwest corner of Sierra Oaks Vista No. 2, a map or plat of which is filed in the Office of the Recorder of Sacramento County in Book 20 of Maps, Map No. 40, being a point on the centerline of Fair Oaks Boulevard; thence easterly along the centerline of Fair Oaks Boulevard to the northeast corner of said Sierra Oaks Vista No. 2; thence southeasterly along the easterly boundary of said Sierra Oaks Vista No. 2 to the northeast corner of Lot 14 as shown thereon; thence southerly and easterly along the boundaries of said Sierra Oaks Vista No. 2 to a point on the north boundary of Reclamation District No. 2077; thence westerly along said north boundary to the northwest corner of Reclamation District No. 2077; thence southerly along the westerly boundary of Reclamation District No. 2077 to the northerly, or landward, boundary of right of way for levee purposes as described in the "Order For Possession," recorded December 4, 1956, in the Office of the Recorder of Sacramento County in Book 3205 of Official Records, page 89; thence westerly and northerly along the landward boundary of said levee right of way to a point on the property line common to the lands of Swanston Land Company and State of California, from which the one-quarter corner common to Secs. 65 and 66 of said Rancho Del Paso bears north 00° 20′ 20″ west 1869.25 feet; thence north 51° 55′ 30″ west 249.08 feet; thence north 49° 44′ 30″ west 2462.20 feet; thence north 56° 28′ 20″ west to a point on the northerly boundary of right of way for levee purposes described in deed executed by Jennie E. Swanston et al, to American River Flood Control District, recorded in the Office of the Recorder of Sacramento County in Book 408 of Official Records, page 118; thence northeasterly along said boundary of levee right of way to the most northerly corner thereof, from which the northeast corner of Sec. 66 of said Rancho Del Paso bears north 70° 28′ 02″ east 751.30 feet; thence northerly, parallel to the east line of said Sec. 66 to a point on the south line of Sec 15 of said Rancho Del Paso; thence westerly along said south line to the southwest corner of the southeast one-quarter of the southeast one-quarter of said Sec. 15; thence northerly one-quarter mile, more or less, to the northwest corner of the southeast one-quarter of the southeast one-quarter of said Sec. 15; thence easterly one-quarter mile, more or less, to the point of beginning.

CHAPTER 694

An act to amend Section 30 of the American River Flood Control District Act (Ch. 808 of the Stats. of 1927), relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 30 of the American River Flood Control District Act is hereby amended to read:

Sec. 30. The district is hereby authorized to give assurances and commitments to the United States and the State of California that it will operate, repair and maintain any flood control works constructed by the United States and the State of California within or adjacent to that portion of the district lying north of Arcade Creek, as hereinafter described.

The annual sum required to operate, repair and maintain the works so constructed shall be assessed in the manner set forth in Section 17 hereof, against all taxable property benefited by the works. Assessments made pursuant to this section are not subject to the limitation prescribed in Section 18 of this act.

The following described lands are hereby found and declared to be benefited by any such flood control works so constructed, to wit: All land within the zone, the boundaries of which are hereby described as follows:

Beginning at the intersection of the easterly line of Reclamation District No. 1000 with the westerly projection of the southerly line of the Linda Creek levee and channel right of way acquired by Sacramento and San Joaquin Drainage District from Crystal Cream and Butter Co., recorded in Book 2837 of Official Records, Page 401, Sacramento County Records; thence easterly along said westerly projection and along the southerly boundary of rights of way acquired by said district to a point on the center line of 3rd Street at a point located 17.00 feet south of the center line of Claire Avenue, as said streets are shown on the plat of Robla Acres, recorded in the office of the Recorder of Sacramento County in Book 14 of Maps, Map No. 25; thence northerly along the center line of 3rd Street, and the northerly projection thereof, a distance of 327.56 feet; thence northeasterly along the southerly boundary of rights of way acquired by said Sacramento and San Joaquin Drainage District to a point on the west line of the Sacramento Northern Railroad right of way; thence northerly along said west line to its intersection with the north line of Section 10 of Rancho Del Paso, as shown on the official map thereof, recorded in the office of the Recorder

of Sacramento County in Book A of Surveys, Map No. 94; thence easterly along said north line to the northeast corner of said Section 10, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one-half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho Del Paso; said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in Book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean Avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North Avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North Avenue to the center line of Cedar Street as said street is shown on the plat of Del Paso Heights, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar Street to the center line of Grand Avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said Grand Avenue to the center line of Maple Street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple Street to the north line of Lot 13 of Oak Ridge Acres, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said Lot 13 of Oak Ridge Acres to the northwest corner of said Lot 13; thence southerly along the lot lines common to Lots 13, 14, 22, 21, 46, 47, 53 and 52 of said Oak Ridge Acres to the center line of Los Robles Boulevard as said boulevard is shown on said plat of Oak Ridge Acres; thence easterly along the center line of said Los Robles Boulevard to the intersection of said center line with the center line of Marysville Boulevard as shown on said plat of said Oak Ridge Acres; thence southwesterly along the center line of said Marysville Boulevard to the northerly boundary of right of way acquired for levee purposes along the north bank of Arcade Creek; thence westerly along the landward boundary of said right of way to its junction with the easterly boundary line of Reclamation District No. 1000; thence northerly along the easterly boundary of Reclamation District No. 1000 to the point of beginning.

CHAPTER 695

An act to add Section 35273.1 to the Streets and Highways Code, relating to public parking.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 35273.1 is added to the Streets and Highways Code, to read:

35273.1. The legislative body shall not pass any ordinance forming a district under this part until it shall have procured such information as it deems necessary and adequate to enable it to determine whether there is public need for such facilities, whether the proposed district approximately covers the contiguous area needing such facilities, whether sufficient property within the proposed district will be benefited thereby, and whether the proposed improvements are located and designed in the manner most compatible with the greatest public good and the least private injury.

CHAPTER 696

An act to add Section 2018 to the Welfare and Institutions Code, relating to the protection, care, and assistance of children, aged persons, and others specially in need thereof.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2018 is added to the Welfare and Institutions Code, to read:

2018. The State Board of Social Welfare shall adopt no rule requiring recipients to obtain estimates from vendors in establishing the cost of medicines, appliances, or devices needed by the recipient to enable him to meet his physical or health needs, where compliance with such rule would be impossible for any recipient or would cause undue hardship to recipients. No recipient shall be compelled to purchase used materials for his personal or household needs.

CHAPTER 697

An act to amend Sections 132 and 132.6 of the Elections Code, relating to registration.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 132 of the Elections Code is amended to read:

Absentee registration

132. If an elector is absent from the county in which he claims residence, he may obtain from the county clerk of his home county the required blank affidavit of registration in duplicate. He may then appear before any judge or clerk of any court of record, or notary public, or, if in a foreign country, before any minister, consul, or vice consul of the United States, and make an affidavit as to his residence. The affidavit shall specify the street and number or post-office address of his residence with sufficient particularity to identify it and determine affiant's voting precinct, and that he believes that he will be absent from the county of his residence on all the days allowed by law for general registration of electors. The affidavit shall set forth all the matters required by the provisions of this chapter relating to the contents of an affidavit of registration. The affidavit shall be forwarded, in duplicate, duly authenticated as above, enclosed in an envelope addressed to the county clerk of the county in which he claims to be an elector and sent by registered or certified mail wherever possible. The county clerk of any county, on request made in writing, shall furnish the necessary blank forms of affidavit of registration, in duplicate, to all electors so applying who are or will be temporarily absent from their home precinct. Upon receipt of the affidavit by the county clerk within the time allowed by law for registration, the affidavit shall be entered and bound by the county clerk in the proper register.

SEC. 2. Section 132.6 of said code is amended to read:

Absentee ballot

132.6. Whenever any person not a registered elector, or any person who has changed his residence since last registering, who qualifies under the provisions of Section 48 shall apply in writing or in person to the clerk for an absent voter's ballot and the application shows that he is a war voter, and that his place of residence is in the county, the clerk shall mail to the applicant with the absent voter's ballot, or deliver to him, blank forms of registration affidavit as prescribed in Article 3 of this chapter to be executed in duplicate by the applicant.

If the applicant desires to vote at the election he shall, on or before the day of the election and before marking the absent voter's ballot, execute the affidavit of registration under the provisions of Section 120, 132, or 132.5 before the clerk, any notary public, commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States and return the same, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom the same were received.

Upon receipt thereof within the time required by law for the return of the absent voter's ballots, the clerk shall examine

the affidavit of registration and if it appears therefrom that the affidavit of registration is properly executed and that the facts stated therein are such as would have entitled the applicant to register and vote at the election, if the affidavit had been executed in this State and within the time required by law, then the affiant shall be deemed a duly registered elector as of the date of the affidavit to the same extent and with the same effect as though he had registered in proper time prior to the election before the clerk.

Upon determining that the affidavit of registration so received by him is sufficient the clerk shall deal with the absent voter's ballot returned in the same manner as other absent voters' ballots are required to be dealt with by law. If he determines that the affidavit of registration is insufficient he shall write thereon the word "rejected" with the date of rejection and the reason therefor and shall likewise write upon the identification envelope the word "rejected," the date and the words "not registered;" provided, that if it appears from the affidavit of registration that the affiant is entitled to register and vote at the election in some other city, county or city and county in this State then the clerk shall immediately mail such affidavit of registration and absent voter's ballot to the clerk of such other city, county or city and county who upon receipt thereof shall deal with them as though application therefor had been originally made to him and he had received the affidavit and ballot from the affiant.

When the affidavit is received by a clerk, other than a county clerk, the clerk receiving it shall, after the election, transmit it to the county clerk who, in case the affidavit is not subject to rejection, shall file the original and duplicate thereof. If an affidavit of registration is rejected it shall be returned to the applicant with the reason for rejection endorsed thereon, together with a new blank form of affidavit.

CHAPTER 698

An act to add Section 3084.5 to the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3084.5 is added to the Welfare and Institutions Code, to read:

3084.5. For the purposes of this chapter and Chapter 3 of this part, an applicant's share of his wife's community income shall be determined in accordance with the rules contained in Sections 3088 and 3474.

CHAPTER 699

An act to amend Section 1777.5 of the Labor Code, relating to public works.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the trade at which he is employed, and shall be employed only at the work of the trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, shall be employed on public works, and their employment shall be in accordance with the provisions of such apprenticeship standards and apprentice agreements.

CHAPTER 700

An act to amend Section 646 of the Vehicle Code, relating to equipment of motor vehicles.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 646 of the Vehicle Code is amended to read:

646. Application for Test and Approval. (a) The department may require any person desiring approval of any lamp or device to submit to the department two units of each type of such lamp or device for which approval is desired, together with the appropriate fee as set forth in subdivision (c).

(b) The department may require tests of such lamp or device in its own or designated laboratories or it may accept evidence of satisfactory performance from other accredited laboratories.

(c) For any single photometric test on a lighting device for which a photometric specification has been established by the department, the fee shall be twenty-five dollars ($25).

For each additional test on lamps or other devices, including mechanical, electrical, chemical, structural, or other special test, retest, or inspection, the fee shall be established by the

department at a charge sufficient to pay the cost to the department of conducting the tests and processing the application.

For the approval of lamps or other devices which are not tested by the department, but for which evidence of satisfactory performance is accepted from laboratories accredited by the department, the fee shall be ten dollars ($10).

(d) With any such lamp or device the applicant shall submit a statement as to the adjustment of the same deemed appropriate and the candle power or other rating of the light source intended to be used therewith and other information relative thereto requested by the department.

CHAPTER 701

An act to amend Section 8105 of the Revenue and Taxation Code, relating to fuel tax refund claims.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8105 of the Revenue and Taxation Code is amended to read.

8105. All applications for refund under Section 8101 based upon exportation of motor vehicle fuel from this State shall be filed with the Controller within three months from the date of exportation. All other applications for refund provided under said section, except where an extension of time has been granted, shall be filed within 13 months from the date of the purchase of the motor vehicle fuel. Any application filed after the time prescribed shall not be considered for any purpose by the Controller, the State Treasurer, or the State.

CHAPTER 702

An act to amend Sections 104.1, 104.2, 104.3, 104.5, and 2014 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 104.1 of the Welfare and Institutions Code is amended to read:

104.1. If any applicant for or recipient of aid under Chapter 1 of Part 2 of Division 2, or Division 3, or Division 5, of this code, is dissatisfied with any action of the county board of supervisors relating to his application for or receipt of aid, or if his application is not acted upon with reasonable prompt-

Appeals

ness, or if any person who desires to apply for such aid is refused the opportunity to submit a signed application therefor and is dissatisfied with such refusal, he shall, without the necessity of filing a claim with the board of supervisors, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall be accorded an opportunity for a fair hearing. The department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At the hearing the applicant or recipient may appear in person with counsel of his own choosing, or in person and without such counsel.

The State Social Welfare Board shall consider the appeal and shall render a decision on the issues. The decision of the state board need not specify the amount of the award to be paid unless the amount of the award is in issue. The county board of supervisors shall pay to such person, without the necessity of establishing his present need, the amount of aid he is entitled to receive pursuant to the state board's decision, payment to commence as of the date the person was first entitled thereto.

In the case of an appeal from the refusal of a county to accept a signed application for aid, the State Social Welfare Board may require the county to accept the application, and to make the necessary investigation, and may continue the appeal until the results of the investigation have been reported to it. In any such case in which aid is awarded by the State Social Welfare Board, the payments, if awarded, shall commence at the time the State Social Welfare Board directs.

Nothing in this section shall prevent the filing of an appeal by the legal representative, or, if there is no authorized legal representative, by an heir of a deceased applicant or recipient, in behalf of the decedent's estate, to the end that rights already vested but not determined at the time of death shall accrue to the estate of the applicant or recipient.

SEC. 2. Section 104.2 of said code is amended to read:

Court review

104.2. If an applicant or recipient of aid under Chapter 1 of Part 2 of Division 2, or Division 3, or Division 5 of this code feels himself aggrieved by any decision of the State Social Welfare Board, he may within one year of the date the decision is adopted by the board file with the superior court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, is a distinct and cumulative remedy. The State Social Welfare Board shall be the sole respondent in such proceedings.

SEC. 3. Section 104.3 of said code is amended to read:

Petition

104.3. No filing fee shall be required for the filing of a petition in the superior court for a review of proceedings pursuant to Section 104.2 of this code.

Within 10 days after being served with notice of the filing of the petition, the State Department of Social Welfare shall

cause to be filed with the clerk of the court the record of the proceedings in the case, and no further pleadings shall be required to bring the matter to issue.

Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom.

If the decision of the court is in favor of the applicant for or recipient of aid, aid shall be paid from the first day of the month following date of application therefor, or from the first day of the month following the date upon which the person first sought to make application therefor in writing and was refused, whichever may be the case, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs. Payment of aid

SEC. 4. Section 104.5 of said code is amended to read:

104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within 120 days after the order or other action complained of. Within six months after the board's original order or decision, any interested party may apply for a rehearing or the board may on its own motion order a rehearing. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board. Appeals

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

(d) The department shall set the appeal for a hearing to be commenced within 45 days after the appeal is filed. The referee or the board may, upon good cause shown, continue the hearing for a period not to exceed 30 days. If heard by a referee his report shall be filed promptly. Within 90 days after the conclusion of the hearing or the filing of the report by the referee the board shall render its decision. Failure to meet such time limits shall not invalidate such decision.

(e) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. Section 2014 of said 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. Dispute

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 or in filing a petition for judicial review under Section 104.2.

CHAPTER 703

An act to amend Sections 158, 164, 180, 205 and 375 of the Vehicle Code, relating to license plates.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 158 of the Vehicle Code is amended to read:

Display of license plates

158. Display of License Plates. (a) When two license plates are issued by the department for a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear. When one license plate is issued for use upon a vehicle, it shall be attached to the rear thereof.

(b) Every license plate shall at all times be securely fastened to the vehicle for which it is issued so as to prevent the plate from swinging and shall be mounted not less than 12 inches nor more than 60 inches from the ground in a position to be clearly visible, and no covering shall be used on license plates which is not of a type approved by the California Highway Patrol.

(c) Every license plate issued by this State or any other jurisdiction within or without this Country shall remain attached during the period of its validity to the vehicle for which it is issued while being operated within this State or during the time such vehicle is being held for sale in this State, except as otherwise permitted by law with reference to special plates issued to a manufacturer, transporter or dealer and except plates issued for vehicles which are exempt from payment of registration fees or plates which bear other distinguishing marks or symbols when such vehicles are no longer exempt from payment of registration fees or no longer entitled to plates bearing distinguishing marks or symbols. This section shall not apply to plates which the department as authorized has ordered to be surrendered, transferred to another vehicle or removed.

(d) The department may seize any license plate which is not attached to the vehicle for which issued when and as required hereunder and may attach or require such plate to be attached to the proper vehicle.

SEC. 2. Section 164 of the Vehicle Code is amended to read:

164. Department to Renew Registration. The department, upon renewing a registration, shall issue a new registration card and license plates to the owner as upon an original registration. In lieu of issuing a new registration card the department may endorse or authorize the endorsement of a receipt or validation upon payment of the required fees, such receipt or validation to be stamped upon the registration card last issued for such vehicle during the preceding registration year, or upon a potential registration card issued near the close of the preceding year, which registration card so endorsed or validated shall constitute the registration card for the ensuing registration year, and the department may, in place of issuing new license plates for the ensuing year, issue in lieu thereof a single tab indicating the year number for which issued, which tab, sticker, or other suitable device shall be attached to the rear license plate issued for such vehicle for the last preceding calendar year in which license plates were issued, and, when so attached, said license plates with such tab shall for the purposes of this code be deemed to be the license plate or plates for the ensuing registration year.

Registration renewal

License plates

The department may extend the life of the current series of license plates and may hereafter issue a new series of license plates for an indefinite period of time, but in no event for a period less than five (5) years. During each intervening year of the period for which the plates are issued, the department shall issue a tab, sticker, or other suitable device as herein provided.

Any such series of plates may be canceled by the Director of Motor Vehicles with the approval of the Governor at any time after five years from the year of issuance of such series.

The department may authorize an endorsement of a receipt or the validation of a registration card or potential registration card as hereinbefore provided by a person or organization holding a certificate of authority issued under the provisions of Part 5 of Division 2 of the Insurance Code.

SEC. 3. Section 180 of said code is amended to read:

180. When Transferee Need Not Apply for Transfer. The provisions of Section 179 hereof shall not apply when the transferee of a vehicle is a dealer who holds the same for resale and operates or moves the same upon the highways under special plates, but such dealer upon transferring his title or interest to another person shall endorse his signature upon the certificate of ownership, deliver such certificate and registration card to such other person and shall give notice of such transfer to the department upon the appropriate form provided by it.

Exemption

SEC. 4. Section 205 of said code is amended to read:

205. Operation of Vehicles Under Special Plates. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle

Special plates

upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Section 158. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Section 158. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

Exceptions

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 207.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

SEC. 5. Section 375 of said code is amended to read:

Fees

375. Fees to Be Paid by Manufacturers, Transporters and Dealers. The following fees shall be paid to the department for special plates issued to manufacturers, transporters and dealers:

(1)	(a) For the first set of special plates where in the discretion of the department an investigation is necessary	$58.00.
	(b) For the first set of special plates where no investigation is necessary or upon annual renewal	$8.00.
(2)	For each additional set of special plates	$8.00.

CHAPTER 704

An act to amend Section 1741 of the Code of Civil Procedure and Section 572 of the Welfare and Institutions Code, relating to the designation of judges of the superior court to serve in the conciliation court and the juvenile court.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1741 of the Code of Civil Procedure is amended to read:

1741. In counties having more than one judge of the superior court, the presiding judge of such court shall annually, in the month of January, designate at least one judge to hear all cases under this chapter. The judge or judges so designated shall hold as many sessions of the conciliation court in each week as are necessary for the prompt disposition of the business before the court.

SEC. 2. Section 572 of the Welfare and Institutions Code is amended to read:

572. In counties having more than one judge of the superior court, the presiding judge of such court shall annually, in the month of January, designate at least one judge to hear all cases under this chapter. The judge or judges so designated shall hold as many sessions of the juvenile court, in each week, as are necessary for the prompt disposition of the judicial business before the court.

CHAPTER 705

An act to amend Sections 1744 and 1745 of the Code of Civil Procedure, relating to conciliation proceedings.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1744 of the Code of Civil Procedure is amended to read:

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: Personnel

(a) One supervising conciliation counselor, who shall receive a salary of nine thousand five hundred dollars ($9,500) per annum.

(b) The following persons, each at a monthly salary of:

Title of position	Number of positions	1st step	2d step	3d step
Senior counselor	3	$608	$641	$677
Counselor	1	516	545	575
Transcriber-typist	1	303	319	337
Judicial secretary	1	355	375	395

One year after the effective date of the amendment to this section, salaries for the following positions referred to in this section shall become:

	1st step	2d step	3d step
Transcriber-typist	$319	$337	$355
Judicial secretary	375	395	417

The position of supervising conciliation counselor 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 regulations of such county. 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.

Compensation

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.

Benefits

Persons employed in the positions authorized by 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.

SEC. 2. Section 1745 of the Code of Civil Procedure is amended to read:

Supervising conciliation counselor

1745. The supervising conciliation counselor shall:

(a) Supervise the work of the senior counselors and of the other counselors.

(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.

CHAPTER 706

An act to add Article 7.5 (comprising Sections 53840 to 53844, inclusive) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to county short-term loans, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Article 7.5 is added to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 7.5. Alternate Procedure for Temporary Borrowing

Legislative intent

53840. It is hereby declared the intention of the Legislature by the enactment of this article to provide an alternative procedure under which short term loans may be procured by those counties in which the board of supervisors has declared it to be county policy to make advances of current operating requirements to subsidiary political subdivisions required by law to deposit their funds in the county treasury as such advances are authorized by the provisions of Section 31, Article IV of the State Constitution. In any such county the board of supervisors, upon recommendation of the county treasurer with the approval of the county auditor, may borrow on July 1st or thereafter such amounts as may be required to meet current obligations payable by the county treasury, pending collection of the revenue provided for the year in progress. Amounts so borrowed shall be evidenced by notes signed by the chairman of the board of supervisors, the county auditor and the county treasurer, and the liability created thereby shall be secured by a lien on all revenue to accrue to the county treasury from any source during the year then in progress.

Maximum loan

53841. Any amounts borrowed by a county as provided in the preceding section shall not exceed 85 percent of the total of taxes levied for all purposes on said county's tax roll for the next preceding fiscal year, and at no time during the year for which borrowed shall the unpaid total of the amounts so borrowed as shown by the auditor's accounts at the close of any month be allowed to remain at more than 85 percent of the uncollected balance of taxes for the current year as shown by said accounts.

Treatment of amounts borrowed

53842. Amounts borrowed as above provided shall be entered to the credit of the county's general reserve fund and may be used to make advances to operating funds in the county treasury as authorized by Section 31, Article IV of the State Constitution. Payment of the notes upon their due

dates shall be made by warrants drawn by the county auditor on the general reserve fund.

Bids

53843. In any county which finds it necessary to borrow current operating requirements as provided in the foregoing sections the board of supervisors shall advertise for bids by publication for two weeks in a newspaper of general circulation in the county, setting forth the date upon which the amount will be required, which shall be not less than three weeks following the date of the first publication, the amount required and the repayment date. Bids shall be opened at the time set forth in the notice which shall be during a regular meeting of the board; and the board, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 5 percent.

Interest

53844. In any county which qualifies as set forth in Section 53840 to use the foregoing procedure for short-term financing, all interest payments on the loans shall be made from the general fund of the county and all interest earned on funds in the county treasury shall be credited to said general fund of the county, excepting therefrom the interest on deposits of school districts which shall accrue to the general funds of the respective school districts, the interest earned on specific investments of a local agency as authorized by Section 53601 of this code or by Section 5007 of the Education Code, and moneys on deposit in court in eminent domain actions pursuant to order of court to secure immediate possession.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present code provisions do not permit borrowing for the current year prior to the approval of the final budget and levy for taxes for said year. Two months of the fiscal year elapses before any borrowing can be consummated.

The proposed changes will permit each county to borrow on short-term notes not only for itself but also for school districts or other agencies to which the county's credit may be extended. This provision will provide a more flexible and better borrowing control, remove the temptation to overborrow, will secure more favorable interest rates and reduce the number of agencies that would be borrowing for their individual needs. This provision should be made available at the earliest possible date.

CHAPTER 707

An act to amend Section 6103.1 of the Government Code, relating to the inapplicability of Section 6103 of the Government Code, providing for exemption from fees for official services.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6103.1 of the Government Code is amended to read:

6103.1. Section 6103 does not apply to:

(a) Any fee or charge for official services required by Parts 2, 3, and 4 of Division 2 of the Water Code, other than for services to the Department of Finance.

(b) The fee for traveling in the service or execution of any process or notice as provided by Section 26746 of the Government Code.

CHAPTER 708

An act to add Section 72708.5 to the Government Code, relating to the officers and attaches of the municipal court in the judicial district embracing the City of Los Angeles.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 72708.5 is added to the Government Code, to read:

72708.5. The judges of the municipal court shall appoint a rehabilitation co-ordinator who shall hold office at the pleasure of the judges and receive an annual salary equal to that specified in Section 1744 of the Code of Civil Procedure for supervising conciliation counselor of the superior court. The rehabilitation co-ordinator, under the direction of the judges, shall perform such lawful duties as may be fixed by the judges. The rehabilitation co-ordinator shall be ex officio deputy clerk of the court and shall be a member of any retirement system which includes attaches of the court, and he may hold such office and at the same time hold the status and office of deputy clerk, but may not receive extra compensation for performing the duties of deputy clerk.

CHAPTER 709

An act conveying certain lands, salt marsh, tidelands, and submerged lands, situate in Alameda County, to the City of Oakland, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, providing for the government, management, use, and control thereof, and reserving certain rights to the State.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Oakland, 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 lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, which are included within that portion of the County of Alameda described as follows:

Beginning at a point at the southeast corner of the boundary of the City of Oakland as said boundary was established by the City of Oakland by Ordinance No. 4550 C.M.S., filed August 9, 1955 in Book 7743 at page 131, Official Records of Alameda County, said point also being the same point as Station No. 4 on that "Map of the Grant to the City of Oakland, Chapter 1028, Statutes of 1955, Vicinity of Oakland, Alameda County, California," prepared by the State of California, State Lands Commission, Division of State Lands, filed June 27, 1956 in Book 40 of Maps at page 43 in the Office of the County Recorder of Alameda County, thence North 44°00'00" East a distance of 307.08 feet along the southeastern boundary line of the City of San Leandro as said boundary was established by the City of San Leandro by Ordinance No. 976 N. S., filed July 29, 1955 in Book 32 of Maps at page 94A in the Office of the County Recorder of Alameda County, to an intersection with a line connecting the northwest corner of Tide Lot 4, Section 9, Township 3 South, Range 3 West, Mount Diablo Base and Meridian and the southeast corner of Tide Lot 12, Section 15, Township 3 South, Range 3 West, Mount Diablo Base and Meridian as said Tide Lots are shown and designated on "Map No. 1 of Salt Marsh and Tidelands, situate in the County of Alameda, State of California" and delineated in the field notes thereof, all on file in the Office of the Department of Finance, State Lands Commission, State of California, the portions of the said line not adjacent to the Estudillo or San Lorenzo Canals are also the southwestern boundaries of the Tide Land Lots as designated on said map; thence southeasterly along said line to the southeast corner of Tide Lot 12 in Section 15, Township 3 South, Range 3 West, Mount Diablo Base and Meridian; thence East along the South

line of Tide Lots 13, 14 and 15 inclusive. in Section 15 to its intersection with the East line of Tide Lot 15, said intersection being the southeast corner of Tide Lot 15 and the southwest corner of Tide Lot 16; thence South 40°00'00" West along a line to an intersection with the western boundary of the County of Alameda; thence northwesterly along said western boundary line of the County of Alameda to an intersection point with the southeastern boundary of the City of Oakland as said boundary was established by the City of Oakland by Ordinance No. 4550 C.M.S.; thence North 44°00'00" East along said southeastern boundary of the City of Oakland to the point of beginning; consisting of 3,000 acres more or less;

Except that there is reserved to the State of California, for the benefit of the City of San Leandro, an easement across the above-described lands, 300 feet in width, for the construction by the City of San Leandro of a sewer outfall beginning at the present terminus of the 11,500-foot easement issued by the State of California to the City of San Leandro, effective July 12, 1954, under P.R.C. 1411.9 and extending through the demised premises to the bayward boundary thereof.

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:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, an airport or aviation facilities, including but not limited to approach, take-off and clear zone areas for airport runways, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, terminal buildings, runways, roadways, aprons, taxiways, parking areas 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 works and playgrounds, and for public recreational purposes; and said city, or its successors, shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods not exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods not exceeding 50 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor and airport, and collect and retain rents from such leases, franchises, and privileges. Such lease or leases, franchises, and privileges may be for any and all purposes which shall not interfere with commerce or navigation.

(b) That said lands shall always remain available for public use for all purposes of commerce and navigation by water and

air, and the State of California shall have at all times, the right to use, without charge, all of the said wharves, docks, piers, slips, quays, terminal buildings, runways, roadways, aprons, taxiways, parking areas 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 of public buildings and public works and playgrounds and for public recreational purposes, on said lands or any part thereof, for any vessel, or other watercraft, or aircraft, or railroad, or road, or highway, owned or operated by the State of California, but the State of California shall pay to the said city just and reasonable compensation for the use and occupation of any improvements to the lands made thereon at the cost of said city or any of its lessees, licensees, assignees or franchise holders; and shall otherwise use and occupy any such improvements upon such terms and conditions as may be agreed upon by the city and the State. The city shall not be required to improve said lands since the primary purpose of this grant is to provide the necessary protection to landings and take-offs of aircraft on airport runways, and to provide areas for seaplane operations.

(c) That in the management, conduct or operation of said harbor or airport, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors; provided, however, that nothing herein contained shall prohibit said city from making or entering into franchises, leases, assignments or licenses providing for the exclusive use or occupancy for limited periods not exceeding 50 years of those utilities, structures, or facilities which are not capable of use in common with others, or from making or entering into an exclusive contract for the furnishing of services at said harbor or airport.

(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 and airport with the right of convenient access to said waters over said lands for said purpose, together with the right of navigation; provided, that the city may take such measures as may be necessary in the interests of public safety to protect persons from moving vessels and aircraft.

(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.

(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 interest.

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 Alameda 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.

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.

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 by air and water.

CHAPTER 710

An act to add Chapter 9.1, commencing with Section 73075, to Title 8 of, and to repeal Sections 72151.5, 73340, 73341, 73342, 73343, 73343.1, 73344, 73345, 73346, 73347, 73480, 73480.1, 73481, 73482, 73483, 73483.1, 73484, 73910, 73911, 73912, 73913, 73914, 73915.1, 73916, 73920, 73921, 73922, 73923, 73924, 74600, 74601, 74602, 74603, 74603.1, 74604, 74605, 74606 of the Government Code, relating to municipal courts in Alameda County.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 9.1, commencing with Section 73075, is added to Title 8 of the Government Code, to read:

CHAPTER 9.1 MUNICIPAL COURT DISTRICTS IN ALAMEDA COUNTY

Article 1. General Provisions

Judges

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out

below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District.....1
Berkeley-Albany Judicial District.....2
Oakland-Piedmont Judicial District.....7
San Leandro-Hayward Judicial District.....2

Employees' salaries

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County:

SALARY SCHEDULE

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
20	226	238	250	264	276
21	238	250	264	276	291
22	250	264	276	291	306
23	264	276	291	306	323
24	276	291	306	323	339
25	291	306	323	339	356
26	306	323	339	356	375
27	323	339	356	375	394
28	339	356	375	394	414
29	356	375	394	414	436
30	375	394	414	436	459
31	394	414	436	459	484
32	414	436	459	484	509
33	436	459	484	509	536
34	459	484	509	536	565
35	484	509	536	565	595
36	509	536	565	595	626
37	536	565	595	626	660
38	565	595	626	660	696
39	595	626	660	696	734
40	626	660	696	734	775
41	660	696	734	775	816
42	696	734	775	816	861
43	734	775	816	861	909
44	775	816	861	909	959
45	816	861	909	959	1011
46	861	909	959	1011	1068
47	909	959	1011	1068	1126
48	959	1011	1068	1126	1190
49	1011	1068	1126	1190	1255
50	1068	1126	1190	1255	1325

Clerks

73077. Unless otherwise specifically provided, each clerk and deputy clerk appointed to a position enumerated in this chapter shall for the first six months of service receive monthly the rate of compensation specified in step 1 of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months of continuous service in such position, such person shall receive monthly the rate of compensation specified in step 2 of the salary schedule

for the position occupied. On the first day of the month following six months of continuous service at the rate specified in step 2, such person shall receive monthly the rate of compensation specified in step 3 of the salary schedule for the position occupied. On the first day of the month following 12 months of such service at the rate specified in step 3, such person shall receive monthly the rate of compensation specified in step 4 of the salary schedule for the position occupied. On the first day of the month following 12 months of such service at the rate specified in step 4, such person shall thereafter receive monthly the rate of compensation specified in step 5 of the salary schedule for the position occupied. With the approval of the Civil Service Commission, original appointments shall be made at a second or higher step where it is necessary in order to secure needed employees.

Salary schedule

73078. The value in dollars of each monthly salary provided by this chapter shall be at the rates indicated opposite the respective schedule numbers in the salary schedule.

73079. If a clerk, deputy clerk, or attache of a municipal court in Alameda County changes his position to another position of higher salary schedule, he shall receive compensation at the salary schedule for the new position that represents one step increment over the amount he was receiving in the former position.

Credit for prior service

73080. Persons appointed to positions in the court immediately following employment in positions in other municipal courts in the County of Alameda, or in positions in the classified service of the county as set forth in the county charter, shall receive credit for prior continuous service in such positions. The clerk and each deputy clerk and attache, in addition to the minimum salary for his position shall receive the increments to which his length of service in any municipal court in Alameda County or any superseded court entitles him. 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.

Incumbents

73081. All persons holding positions as deputy clerks or attaches of municipal courts in Alameda County immediately prior to the effective date of this chapter as enacted by the 1957 Regular Session of the Legislature shall be assigned by the clerk of each court to positions created by this chapter with the approval of the civil service commission.

Marshal and deputy marshals

73082 The Sheriff of Alameda County and his deputies shall ex officio be the marshal and deputy marshals of the municipal courts in Alameda County.

Article 2. Courts in Alameda County

Application

73083. This article applies only to municipal courts established in judicial districts in Alameda County.

Clerks Salary and appointment

73084. In each municipal court established in Alameda County one clerk shall be appointed by the judge or judges of

each court and he shall receive a monthly salary at the rate specified in Sections 73084.1 to 73084.4, inclusive.

73084.1. The clerk of the municipal court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 42 of the salary schedule.

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 37 of the salary schedule

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 39 of the salary schedule.

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified by schedule number 39 of the salary schedule.

Deputy clerks Compensation

73085. Deputy clerks in each municipal court in Alameda County shall be compensated as determined by Sections 73085.1 to 73085.7, inclusive.

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 37 of the salary schedule.

73085.2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 35 of the salary schedule.

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 33 of the salary schedule.

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 31 of the salary schedule.

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 27 of the salary schedule, except as otherwise provided in Section 73089.

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 24 of the salary schedule.

Same Night shift

73085.7. All deputy clerks who are required by the clerk to work a "night shift" on each regular working day of a month shall be allowed additional compensation in addition to their regular compensation otherwise provided for in this article, of one step on the pay schedule provided in Section 73076 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 purposes 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.

Higher compensation

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular ses-

sion of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk I and deputy clerk II specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

Deputy clerks

73087 The clerk of the municipal court for the Alameda Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Two deputy clerks grade III.

(c) Two deputy clerks grade II.

(d) One deputy clerk grade I.

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Two deputy clerks grade IV.

(c) Four deputy clerks grade III

(d) Four deputy clerks grade II.

(e) One deputy clerk grade I

73089. The clerk of the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division

(b) Thirteen deputy clerks grade IV.

(c) Ten deputy clerks grade III

(d) Twenty-six deputy clerks grade II; provided, that not to exceed seven (7) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of one increment

(e) Thirteen deputy clerks grade I.

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Three deputy clerks grade IV.

(c) Two deputy clerks grade III

(d) Seven deputy clerks grade II.

Other positions

73091. In addition to the positions created in this article, there are hereby created the following positions to be filled only while higher positions remain unfilled and if persons in

a lower grade fail to qualify or receive an appointment to upgraded or newly created positions provided in this article:

(a) One chief deputy position for each unfilled division chief position.

(b) One grade III position for each unfilled grade IV position.

(c) One grade II position for each unfilled grade III position.

(d) One grade I position for each unfilled grade II position.

Request for study

73092. Whenever the business of the court requires, the appointing officer may request the Civil Service Commission to study the duties of positions in any of the grades of deputy clerk and on the basis of its findings, to certify eligibles with appropriate qualifications in typing, stenography, account keeping and telephone switchboard operation.

Repeals

SEC. 2. Sections 72151.5, 73340, 73341, 73342, 73343, 73343.1, 73344, 73345, 73346, 73347, 73480, 73480.1, 73481, 73482, 73483, 73483.1, 73484, 73910, 73911, 73912, 73913, 73914, 73915.1, 73916, 73920, 73921, 73922, 73923, 73924, 74600, 74601, 74602, 74603, 74603.1, 74604, 74605 and 74606 of said code are repealed.

CHAPTER 711

An act to amend Section 29610 of the Government Code, relating to convention expenses of county and court officers.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 29610 of the Government Code is amended to read:

29610. The actual and necessary expenses of the county auditor, clerk, registrar of voters, district attorney, assessor, sheriff, public administrator, coroner, recorder, tax collector, probation officer, surveyor, jury commissioner, treasurer, and, with prior approval of the board of supervisors, necessary deputies for each such officer, one marshal of a municipal court chosen by the marshals of the municipal courts, one clerk of a municipal court chosen by the clerks of the municipal courts, one judge of a justice court chosen by the judges of the justice courts, and one constable chosen by the constables, incurred while traveling to and from and while attending the annual convention of his respective association, are county charges.

CHAPTER 712

An act to amend Sections 31514 and 31593 of the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943 and the acquisition and improvement of lands, property and rights of way for vehicle parking and the assessment of the cost of said acquisition and improvement.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31514 of the Streets and Highways Code is amended to read:

31514. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 applies to the proceeding under this part, except that Part 5 of Division 4 of the Streets and Highways Code shall not apply to any proceedings under this part. Application

SEC. 2. Section 31593 of the Streets and Highways Code is amended to read:

31593. At any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed but before the confirmation of the assessment 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. Modification of acquisition, etc

CHAPTER 713

An act to add Chapter 2.1 to Part 4, Division 18 of the Streets and Highways Code, relating to the Parking District Law of 1951 and the use of city lands as parking places.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.1 is added to Part 4, Division 18 of the Streets and Highways Code, to read:

CHAPTER 2.1. USE OF CITY LANDS AS PARKING PLACES

"City lands"

35300. As used in this chapter, the term "city lands" means lands already owned by the city which are located within the boundaries of an existing or proposed district and which are either being used for the purpose of public off-street parking or are not needed by the city for any other purpose and are available for such use.

Holding, etc., of city lands as parking places

35301. The legislative body, at any time after the filing of a petition for the formation of such district, may by ordinance declare and agree that city lands shall for all purposes of said district be held, used and treated in all respects the same as parking places acquired with the proceeds of bonds issued under this part. Such ordinance shall not become effective until said district shall have been formed and bonds shall have been issued for such district, as provided in this part. If such ordinance is adopted and becomes effective, such city lands shall be so held, used and treated and, without limiting the generality of the foregoing, the revenues from the operation of off-street parking facilities thereon may be pledged and used for the same purposes as those for which revenues from parking facilities acquired or improved with proceeds of such bonds may be pledged and used. The ordinance shall describe the city lands to be so held, used and treated and shall state the amount of compensation, if any, to be paid the city therefor and the manner in which said compensation is to be paid.

Petition

35302. The petition for the formation of the district under this part may propose that the legislative body shall adopt such an ordinance with respect to any city lands, and may propose improvements to be made or constructed thereon and shall state the amount of compensation, if any, to be paid to the city therefor and the manner in which compensation is to be paid. In the event that the petition proposes that the legislative body adopt such an ordinance with respect to any such city lands, the legislative body either shall reject the petition or, prior to the adoption of the resolution of intention, shall adopt with respect to such city lands the ordinance authorized by this section for the compensation, if any, provided

in the petition. Failure of the petition to propose such an ordinance, or to propose such improvements, shall not prevent the legislative body from adopting such an ordinance at any time after the petition shall have been filed If such ordinance is adopted prior to the adoption of the resolution of intention, whether said ordinance is in response to a proposal made in the petition or otherwise, the resolution of intention, in addition to the other matters required by the part, shall refer to the ordinance, shall contain a general description of such city lands and a general description of the improvements, if any, proposed to be made or constructed thereon, and shall state the amount and manner of payment of any compensation provided for in said ordinance.

Ordinance and resolution

35303. If such ordinance is adopted after the hearing on the resolution of intention, said ordinance shall be adopted in the manner provided in this section. If no compensation is to be paid to the city for such city lands, the legislative body at any time, without further notice and hearing, may adopt such an ordinance If a proposed ordinance provides for compensation to be paid to the city for such city lands, before adopting such proposed ordinance the legislative body shall adopt a resolution proposing the adoption of said ordinance. Said resolution shall describe the city lands to be covered by the proposed ordinance, shall specify the amount and manner of payment of the compensation to be paid the city, and shall fix a time and place for hearing objections to the adoption of said proposed ordinance. The resolution shall be published twice in a newspaper of general circulation printed and published in the city. The first publication shall be at least thirty (30) days prior to the date of the hearing. In cities where no such newspaper is published, the resolution shall be posted in three public places in the proposed district at least thirty (30) days prior to the date of hearing. At said hearing the legislative body shall hear and pass upon all objections and protests against the adoption of the proposed ordinance, and the decisions of the legislative body thereon shall be final and conclusive. If all protests and objections have been overruled and denied, the legislative body may adopt said ordinance.

Publication

Compensation

35304. Compensation to be paid the city for said city lands shall be paid only from contributions which may be made to the city for that purpose or from revenues theretofore or thereafter derived from said city lands or other lands acquired for the district as parking places The right of the city to compensation from said revenues may be made subordinate to the rights of the holders of any bonds thereafter to be issued by the city under this part for the district; provided, however, that if at the time of adoption of the ordinance there are outstanding bonds issued by the city under this part for the district, the right of the city to compensation from said revenues shall be subordinate to any rights of the holders of such bonds to such revenues.

Modification of lands, etc

35305. Whenever an ordinance is adopted pursuant to this section, whether in response to a proposal made in the petition or otherwise, the legislative body may, at the hearing on the resolution of intention or subsequent thereto, increase, decrease, eliminate, change or otherwise modify the lands to be so held, used and treated, the improvements to be made or constructed thereon, or the compensation to be paid the city for said city lands, in the same manner and by the same procedure as provided in the part for increasing, decreasing, changing or otherwise modifying the acquisitions and improvements to be made, and in that event the legislative body shall adopt a new ordinance pursuant to this section consistent with such changes and repealing the prior ordinance.

CHAPTER 714

An act to amend Sections 1263, 1266, 1268, 1268.5, and 1269 of the Agricultural Code, relating to produce dealers.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1263 of the Agricultural Code is amended to read:

License

1263. No person shall act as a commission merchant, dealer, broker, cash buyer, or agent without having obtained a license as provided in this chapter. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent, as herein defined, shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, cash buyer, or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Application

The application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. The director shall require the applicant to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings, and make determinations respecting such matters.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, respon-

sibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter shall be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 9, Division 6, of the Agricultural Code.

Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director in accordance with the provisions of this chapter or Chapter 9 (commencing at Section 1299.18) of Division 6 of this code, and who has not made full settlement with all producer-creditors, shall not be licensed by the director during the period of three (3) years from the date of such adjudication or collection.

Other requirements

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of applications noted:

(a) Commission Merchants. Each application shall include a complete schedule of commissions, together with itemized listing of all charges for all services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties or by written notice to the director. If changed by a written contract, such charges shall be clearly set forth in detail in said written contract. Any services rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Agents: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer represented or sought to be represented by said agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been suspended or revoked for cause; provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts. The director may also issue to each agent a card or cards, which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Any agent who displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 1273 of this chapter.

Revocation

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

Fees

For filing the application herein described, each applicant must pay a fee as follows:

(a) Commission Merchants. Forty dollars ($40) for each year; provided, that a person licensed as a slaughterer under the provisions of Article 13 (commencing at Section 359) of Chapter 2 of Division 3 of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers. Forty dollars ($40) for each year.

(c) Brokers. Forty dollars ($40) for each year.

(d) Cash Buyers. Forty dollars ($40) for each year.

(e) Agents. Two dollars and fifty cents ($2.50) for each license period of the principal.

Should any commission merchant, dealer, broker, or cash buyer fail, refuse, or neglect to apply for the renewal of a preexisting license on or before the date of the expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee of forty dollars ($40), and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, or dealer, or broker, or cash buyer, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in any or all of the remaining such classifications without payment of further fee, and upon further complying with those parts of this chapter regulating the licensing of the other particular classification involved. All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date for the particular license for which the license fee was paid.

SEC. 2. Section 1266 of said code is amended to read:

Surety bond

1266. Before any license is issued to any dealer, the applicant shall execute and deliver to the director a surety bond

in the sum of two thousand dollars ($2,000) executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be conditioned upon compliance with the provisions of the chapter and upon the faithful and honest handling of farm products in accordance with the terms of this chapter. Said bond shall be to the State in favor of every producer-creditor of farm products grown within the State of California. Any producer-creditor of farm products grown within the State of California claiming to be injured by the fraud, deceit or wilful negligence of any dealer may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit or wilful negligence, or the failure to comply with the provisions of this chapter. In case of failure by a dealer to pay producer-creditors for farm products received from said producers, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such dealer, together with the amounts due and owing to them and each of them by such dealer, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known producer-creditor at his last known address. If a producer-creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within 60 days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said producer-creditor. Where by reason of the absence of records, or other circumstances making it impossible or unreasonable for the director to ascertain the names and addresses of all said consignor-creditors, the director, after exerting due diligence and making reasonable inquiry to secure said information from all reasonable and available sources, may make demand on said bond on the basis of information then in his possession, and thereafter shall not be liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

Upon ascertaining all claims and statements in the manner herein set forth, the director 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 director shall thereupon bring an action on the bond in behalf of said producer-creditors. Upon any action being commenced on said bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on such bond such dealer 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 1268 of said code is amended to read:

Investigation

1268. The director on his own motion may or upon the verified complaint of any interested party shall investigate, examine or inspect any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; failure to make proper and true account of sales and settlement thereof as in this chapter required; the intentional making of false statements as to condition and quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this chapter; or investigate, examine or inspect any and all other injurious transactions, and in furtherance of any such investigation, examination or inspection, the director or any authorized representative, may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such person relating to the transactions involved. When a producer-consignor or seller of farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, or buyer, a verified complaint may be filed with the director who shall undertake to effect a settlement, and in the event that he shall fail to effect such settlement, he shall call a hearing as provided for herein.

Refusal to grant license, revocation, etc

The director, after due hearing, may refuse to grant any license herein provided, and may, upon his own motion, after hearing, or upon a verified complaint signed and filed with the director by any interested person, revoke, suspend or refuse renewal of any such license as the case may require, when he is satisfied that any applicant or licensee has violated any provision of this chapter. Upon the filing of such a verified complaint, the director shall cause a copy thereof, 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 therein. Such service shall be made at least ten (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 licensee or respondent, or in which the transaction or violation complained of is said to have occurred, or in the county seat of the county in which the transaction or violation complained of is said 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 appointed for such hearing the director or his agents shall hear the parties to said complaint, and shall enter in the office of the director at Sacramento a decision either dismissing such complaint or specifying the facts established on such hearing. Such decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probation-

ary orders as may be proper for the enforcement of this chapter. A copy of the decision shall be furnished to the licensee and complainant.

Hearing

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any of such orders, the director may thereupon and in the premises issue to and serve upon said respondent an order directing said respondent to show cause why the license of said respondent should not be suspended or revoked for the failure to comply with such conditional or probationary orders as above described. A copy of the said order to show cause, together with the notice of the time and place of hearing upon said order shall be served personally or by mail upon said respondent. Said order shall refer to an attached copy of the conditional or probationary orders in such a way as to advise and inform the respondent of the charge or violation upon which said order is based and pursuant to which it is issued. Such service shall be made at least ten (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 transaction or violation complained of is said or charged to have occurred, or in the county seat of the county in which the transaction or violation complained of is said or charged to have occurred, or at the nearest office of the State Department of Agriculture at the discretion of the director.

At the time and place appointed for such hearing the director or his agents shall hear the matter set forth in the order, and the showing of the licensee in the premises, and shall enter in the office of the director at Sacramento an order and decision specifying the facts, dismissing the order to show cause or directing the suspension or revocation of the license or licenses held by the licensee, or making such further conditional or probationary orders as the director may deem proper, upon the evidence presented at such hearing. A copy of said order and decision shall be furnished to the licensee. Previous violation by any applicant or licensee, or by any person connected with said applicant or licensee, of any provision of this chapter, or of any of the provisions of Chapter 9 (commencing at Section 1299.18) of Division 6 of this code, shall be good and sufficient ground for denial, revocation or suspension of a license.

Should either party to the hearing request a continuance after due notice as herein provided, the party requesting the continuance must make such request forty-eight (48) hours prior to the time of hearing; provided further, that the party requesting such continuance shall be required to pay the costs attached to such continuance.

Construction

Nothing in this section contained may be construed as limiting the power of the director, after hearing, to revoke or

suspend a license when he is satisfied of the existence of any of the facts specified in Section 1269 of this chapter.

SEC. 4. Section 1268.5 of said code is amended to read:

Examination of books, etc

1268.5. The director on his own motion may make examinations and audits of the books and records of any licensee pertaining to the purchase or to the handling and accounting for of any farm product purchased or received on consignment from the producer thereof; and may examine and audit all pertinent books, records, weight tags, receipts, ledgers, papers, contracts, and other documents of the licensee which show or tend to show facts regarding the number and status of accounts of growers doing business with said licensee; should such examination disclose evidence of violation of this chapter, the director may then and thereupon and upon his own motion issue a complaint directed against the licensee, either on his own behalf or on behalf of producers affected by such violation or violations, together with such other process for the enforcement of the provisions of this chapter as is in said chapter provided.

The failure or refusal of any licensee to produce and make available to the director any such books or records, or otherwise to obstruct such examination or audit, shall be good and sufficient ground for the suspension or revocation of a license.

SEC. 5. Section 1269 of said code is amended to read:

Grounds for refusal to grant license, etc.

1269. (1) The director may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, when after a hearing as herein provided, he is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products.

(b) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for farm products received, within the time and in the manner required by this chapter.

(c) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him.

(d) That the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(e) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products.

(f) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer.

(g) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale therefor for the consignor, unless by written consent of such consignor.

(h) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(i) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with produce handled on account of or as an agent of another; that the applicant, or licensee, has indulged in any unfair practice.

(j) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any farm product bought or contracted to be bought from a producer by such licensee, or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said farm products bought or handled or contracted to be bought or handled, or has used any other device to avoid acceptance or unreasonably to defer acceptance of farm products bought or handled or contracted to be bought or handled.

(k) That the licensee has otherwise violated any provision of this chapter.

(*l*) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(m) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit, or wilful negligence.

(n) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examinations, or audits as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers necessary to any such investigations, examinations, or audits, or has otherwise obstructed the same.

(o) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(p) That the licensee has failed or refused to keep and maintain the records as required by this chapter.

(2) Previous violation by the applicant or licensee, or by any person connected with him or it, of any of the provisions of this chapter, or Chapter 9 (commencing at Section 1299.18), of Division 6, of this code, shall be good and sufficient ground for denial, suspension or revocation of a license.

(3) The director, after hearing, or investigation may refuse to grant a license or renewal thereof and may revoke or suspend any license as the case may require, when he is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

In such cases, if the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of farm products would be likely to cause serious and irreparable loss to said producer-creditors, or to producers with whom the said dealer or commission merchant has said contracts, then the director within his discretion may thereupon and forthwith shorten the time herein provided for hearing upon an order to show cause why the license of said dealer or commission merchant should not be forthwith suspended or revoked; provided, however, that the time of notice of said hearing shall in no event be less than 24 hours, and shall within that period call a hearing, at which the dealer or commission merchant proceeded against shall be ordered to show cause why his or its license should not be suspended, or revoked, or continued under such conditions and provisions, if any, as the director may consider just and proper and for the protection of the best interests of the producer-creditors involved. Said hearing, in the case of such emergency, may be called upon written notice, said notice to be served personally or by mail on the dealer or commission merchant involved, and may be held at the nearest office of the director or at such place as may be most convenient at the discretion of the director, for the attendance of all parties involved.

Conditional order

(4) Any order revoking or suspending a license may, within the discretion of the director, be made conditional upon the settlement, adjustment or satisfaction of the consequence of the violation or violations as specified, and the operation of such an order may be deferred for such purpose. Any such order may contain provisions for modification or dismissal thereof upon presentation to the director of evidence that the matter of complaint has been settled, adjusted or withdrawn at any time before such order becomes final.

CHAPTER 715

An act to amend Section 28114 of the Government Code, relating to compensation for public service in counties of the fourteenth class.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28114 of the Government Code is amended to read:

Riverside County Compensation

28114. In a county of the fourteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) 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, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, six dollars ($6), and ten cents ($0.10) for each mile from their residence to and from the county seat, to be allowed only for each day the jurors are required to and do attend.

CHAPTER 716

An act to amend Section 7608 of the Public Utilities Code, relating to railroad equipment.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7608 of the Public Utilities Code is amended to read:

7608. Every railroad company, or the receiver or receivers of any railroad, operating trains within this State, shall provide a first aid kit containing written instructions for the use of its contents, on each train or light engine, however propelled, for first aid to persons who may be injured in the course of the operation of the train.

Every first aid kit shall be composed of six (6) standard packages each of which shall include all the following and such other articles and equipment as may in the judgment and discretion of the management of the railroad or the medical department thereof be useful for the intended purpose:

(a) Two (2) pieces of sterile gauze.

(b) One (1) ribbon bandage.

(c) One (1) triangular cambric picture bandage in aseptic container.

The employee of the railroad in charge of the train or engine, however propelled, shall report to the office designated by the company whenever any first aid kit has been opened for use.

Any railroad company, or the receiver or receivers, or employee of a railroad company, who fails to comply with this section is liable to a penalty of not less than five dollars ($5) nor more than twenty-five ($25), and each day's violation shall constitute a separate offense, except that the railroad company, or receiver or receivers, shall be allowed not to exceed three days without penalty to replace any package after the use of the package has been reported by the employees in charge of the train or engine, however propelled.

CHAPTER 717

An act to amend Sections 35503, 35506, and 35507 of the Government Code, relating to exclusion of inhabited territory from cities.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 35503 of the Government Code is amended to read:

Notice

35503. The notice shall:

(a) State distinctly the proposition to be submitted.

(b) Designate specifically the boundaries of the territory.

(c) Invite the electors to vote upon the proposition by placing a cross opposite the words "For exclusion" or "Against exclusion."

(d) State the places designated by the legislative body at which the polls will be open in the territory, which shall be those usually used if there are any.

(e) Designate the names of the election officers appointed by the legislative body.

SEC. 2. Section 35506 of said code is amended to read:

35506. If a majority of the votes cast in the territory, or a majority of the votes cast in the city, is against exclusion, and the proposal to exclude the territory fails, an election for the exclusion of the same territory shall not be held again within three years from the date of this election. Election

SEC. 3. Section 35507 of said code is amended to read:

35507. If a majority of the votes cast in the territory and a majority of the votes cast in the city are for exclusion, or if within two years after incorporation of the city two-thirds of the total votes cast in the city are for exclusion, by an order entered upon its minutes, the legislative body shall cause its clerk to transmit to the Secretary of State a certified abstract of the vote showing separately the number of electors voting in the territory and in the remainder of the city and the number of votes cast in each for and against exclusion.

CHAPTER 718

An act to amend Section 414 of the Education Code, relating to the superintendent of schools of a county of the fourteenth class.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 414 of the Education Code is amended to read:

414. The annual salary of a county superintendent of schools of a county of the fourteenth class is ten thousand dollars ($10,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 719

An act to amend Section 337.6 of the Code of Civil Procedure, relating to the statute of limitations applicable to actions on bonds or coupons.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 337.6 of the Code of Civil Procedure is amended to read:

337.6. Notwithstanding the provisions of Section 337.5 of this code actions may be brought on bonds or coupons as set forth in subsection 2 of said section, against which the statute of limitations ran on or after August 27, 1937; provided, such actions are brought on or before June 30, 1959. Upon presentation for payment they shall be registered and payment shall not be made thereon until the next fiscal year following presentation unless available funds are sufficient to first pay obligations which are due or will become due from the same fund during the fiscal year of presentation and during the next succeeding six months. Interest shall not be paid on bonds or coupons registered for the purpose of this section.

CHAPTER 720

An act to amend Section 7068 of the Business and Professions Code, relating to qualifying employees.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7068 of the Business and Professions Code is amended to read:

Experience and knowledge of applicants

7068. The board shall require an applicant to show such degree of experience, and such general knowledge of the building, safety, health and lien laws of the State and of the rudimentary administrative principles of the contracting business as the board deems necessary for the safety and protection of the public.

An applicant may qualify in regard to his experience and knowledge in the following ways:

(a) If an individual, he may qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership, a corporation, or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of such applicant firm.

The individual qualifying on behalf of an individual or firm under subdivisions (a) and (b) of this section shall allege and prove that he is a bona fide member or employee of such individual or firm and at all times when his principal or employer is actively engaged as a contractor shall exercise and be in a position to exercise authority in connection with his principal or employer's contracting business in the following manner: (1) to make technical and administrative decisions; and, (2) to hire, superintend, promote, transfer, lay off, discipline or discharge other employees and the responsibility by himself or through others to direct them or effectively to recommend such action on behalf of his principal or employer.

If the individual qualifying by the examination of his experience and knowledge ceases for any reason whatsoever, to be connected with the licensee to whom the license is issued, or if any individual who has been denied a license, or who has had a license revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension, or has been a member, officer, director, associate or responsible managing employee of any partnership, corporation, firm or association whose application for a license has been denied, or whose license has been revoked, or whose license is under suspension, or who has failed to renew its license while it was under suspension, shall in any way become associated with or be employed by a licensee, the licensee shall notify the registrar in writing within 10 days from such cessation, association or employment. If a notice is given the license shall remain in force for a reasonable length of time to be determined by rules of the board.

If the licensee fails to notify the registrar within the 10-day period, at the end of the period his license shall be ipso facto suspended. The license shall be reinstated upon the filing of an affidavit, executed by the licensee or a member of the licentiate firm and filed with the registrar, to the effect that the person originally appearing for examination on behalf of the licensee has been replaced by another individual and that this individual has been qualified by examination and that he can comply with the provisions of this section and that he has not had his license suspended or revoked or that he has not been connected with a licensee who has had his license suspended or revoked for reasons that would preclude this individual from personally qualifying as to the good character required of an applicant. Penalty

---

CHAPTER 721

An act to amend the title of Article 8 (commencing with Section 16751) of Chapter 4 of Division 8, and Sections 16751, 16831, 16833, 16863, and 17113 of the Education Code, relating to school attendance supervisors.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The title of Article 8 (commencing with Section 16751) of Chapter 4 of Division 8 of the Education Code is amended to read:

Article 8. Authority of School Attendance Supervisors

SEC. 2. Section 16751 of said code is amended to read:

16751. The attendance supervisor of any county, city and county, or school district in which any place of employment subject to the provisions of this chapter is situated, or the pro- Investigation of violations

bation officer of the county, may enter into any such place of employment for the purpose of investigating violations of the provisions of this chapter.

SEC. 3. Section 16831 of said code is amended to read:

Arrest

16831. The attendance supervisor, any peace officer, or any school officer, shall arrest, during school hours, without warrant, any child between 8 and 16 years of age, found away from his home and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department or schools as a truant from instruction upon which he is lawfully required to attend, within the county, city, or city and county, or school district

SEC. 4. Section 16833 of said code is amended to read:

Report

16833. The attendance supervisor or other arresting officer shall promptly report the arrest, and the disposition made by him of the child to the school authorities of the city, or city and county, or school district.

SEC. 5. Section 16863 of said code is amended to read:

Complaint

16863. In counties, cities, and cities and counties, and in school districts having an attendance supervisor, the attendance supervisor shall make and file the complaint provided for by this article, and shall see that the charge is prosecuted by the proper authorities.

SEC. 6. Section 17113 of said code is amended to read:

17113. In cities, and in cities and counties, and in school districts having an attendance supervisor, the attendance supervisor shall make and file the complaint provided for in this article, and shall see that the charge is prosecuted by the proper authorities.

CHAPTER 722

An act to amend Section 585 of the Vehicle Code, relating to removal of vehicles from highways.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 585 of the Vehicle Code is amended to read:

Authority to remove vehicle from highway

585. When Officers Authorized to Remove Vehicles From Highways. (a) It is unlawful for any peace officer or any unauthorized person to remove any unattended vehicle from a highway to a garage or from said highway to any other place, except as provided in this code.

(b) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located is hereby authorized to remove a

vehicle from a highway to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer is a member only under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway, or so as to prevent access by fire-fighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the driveway or fire hydrant to another point on the highway.

(3) When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.

(4) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injuries incapacitated to such an extent as to be unable to provide for its custody or removal.

(5) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

(6) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway or for the installation of underground utilities or where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

(7) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right of way of any freeway within the limits of an incorporated city.

Notice

(c) Whenever an officer removes a vehicle from a highway as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to

such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage a copy of such notice shall be given to the proprietor of such garage.

Report

(d) Whenever an officer removing a vehicle from a highway under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of 120 hours, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the department at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by the department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

Notice

(e) The department upon receiving a notice as hereinbefore provided of the removal of any vehicle from a highway shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the Department of Motor Vehicles, if the vehicle is registered in this State, of the removal of such vehicle, and give the name of the police officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this State, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

Lien

(f) Whenever any vehicle has been removed to a garage under the provisions of this section and the keeper of such garage has received the notice or notices from the arresting officer as provided herein, said keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if said vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of said garage may satisfy his lien in the manner and after giving the notices required in Sections 427 and 428 of this code. Notwithstanding the provision of this subdivision, if the vehicle is appraised at a value not exceeding seventy-five dollars ($75) by a person authorized to make such appraisal under Section 585.8, the keeper of the garage may, if the vehicle is not recovered by the owner within 40 days or the owner is unknown, satisfy his lien as provided in Section 428.5 of this code.

CHAPTER 723

An act to add Section 651 to Chapter 9 of Part 1 of Division 1 of the Insurance Code, relating to cancellation of insurance policies.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 651 is added to the Insurance Code, to read:

651. Notwithstanding any other provision of this code, no cancellation by an insurer of an auto liability insurance policy shall be effective prior to the mailing or delivery to the named insured at the address shown in the policy, of a written notice of the cancellation stating when, not less than ten (10) days after the date of such mailing or delivery, the date the cancellation shall become effective.

CHAPTER 724

An act to amend Section 24560 of the Education Code, relating to furnishing of personal information concerning pupils.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24560 of the Education Code is amended to read:

24560. No teacher, principal, employee, or governing board member of any public, private, or parochial school shall give out any personal information concerning any particular minor pupil enrolled in the school in any class of the twelfth grade or below or in the thirteenth or fourteenth grades of a public junior college to any person except under judicial process unless the person is one of the following:

(a) A parent or guardian of such pupil.

(b) A person designated by such parent or guardian in writing.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the giving of information by school personnel con-

cerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

CHAPTER 725

An act to amend Section 73826 of the Government Code, relating to official court reporters.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 73826 of the Government Code is amended to read:

73826. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court and in lieu of any other compensation provided by law for their services in reporting testimony in criminal proceedings in the court, shall receive a monthly salary of six hundred dollars ($600). The salary shall be a charge against the general fund of the county.

CHAPTER 726

An act to amend Section 58980 of the Government Code, relating to dissolution of districts.

In effect September 11, 1957

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 58980 of the Government Code is amended to read:

58980. When any tax, assessment, or any other district has no outstanding obligations, owns no property, and for five years has not collected taxes or other revenues or disbursed any district funds or otherwise exercised district powers it shall be dissolved by resolution of the board of supervisors of the county in which the office of such district is located. Not less than 30 days prior to the adoption of the dissolution resolution the clerk of the board of supervisors shall send notice to the last known principal place of business of the district

that under the provisions of this article the board will on a specified date consider a dissolution resolution concerning the district. Such district shall be deemed to be dissolved upon the filing of a certified copy of the resolution of dissolution with the Secretary of State, the State Board of Equalization and with the county clerk and assessor of each county in which any portion of such district is located.

CHAPTER 727

An act to amend Section 1850 and to add Section 1851.5 to the Labor Code, relating to the employment of aliens on public works.

[Approved by Governor May 31, 1957. Filed with Secretary of State June 1, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1850 of the Labor Code is amended to read:

1850. No contractor or subcontractor or agent or representative thereof shall knowingly employ or cause or allow to be employed on public work any alien, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, except on work upon public military or naval defenses or works in time of war, or except as otherwise provided in Section 1851.5. Prohibition

SEC. 2. Section 1851.5 is added to said code, to read:

1851.5. Aliens admitted to the United States under the provisions of the Refugee Relief Act of 1953 may be employed on public work.

CHAPTER 728

An act to amend Section 28133 of the Government Code, relating to compensation for public service in counties of the thirty-third class.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums: Yolo County Compensation

1. The auditor, seven thousand five hundred dollars ($7,500) a year.

2 The district attorney, ten thousand five hundred dollars ($10,500) a year and he shall not engage in private law practice during his term of office.

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 729

An act to add Section 6650.5 to the Welfare and Institutions Code, relating to support of persons in state hospitals.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6650.5 is added to the Welfare and Institutions Code, to read:

6650.5. If in a criminal prosecution a defendant pleads not guilty by reason of insanity, and it is found that such person was insane at the time he committed the offense but has recovered his sanity, and he is committed to a state hospital because of his insanity at the time of commission of the offense, neither such person nor his estate nor his relatives shall be liable for such person's care, support, or maintenance in such state hospital.

CHAPTER 730

An act to repeal Section 3830 of, and to add Section 3830 to, the Elections Code, relating to ballot facsimiles.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

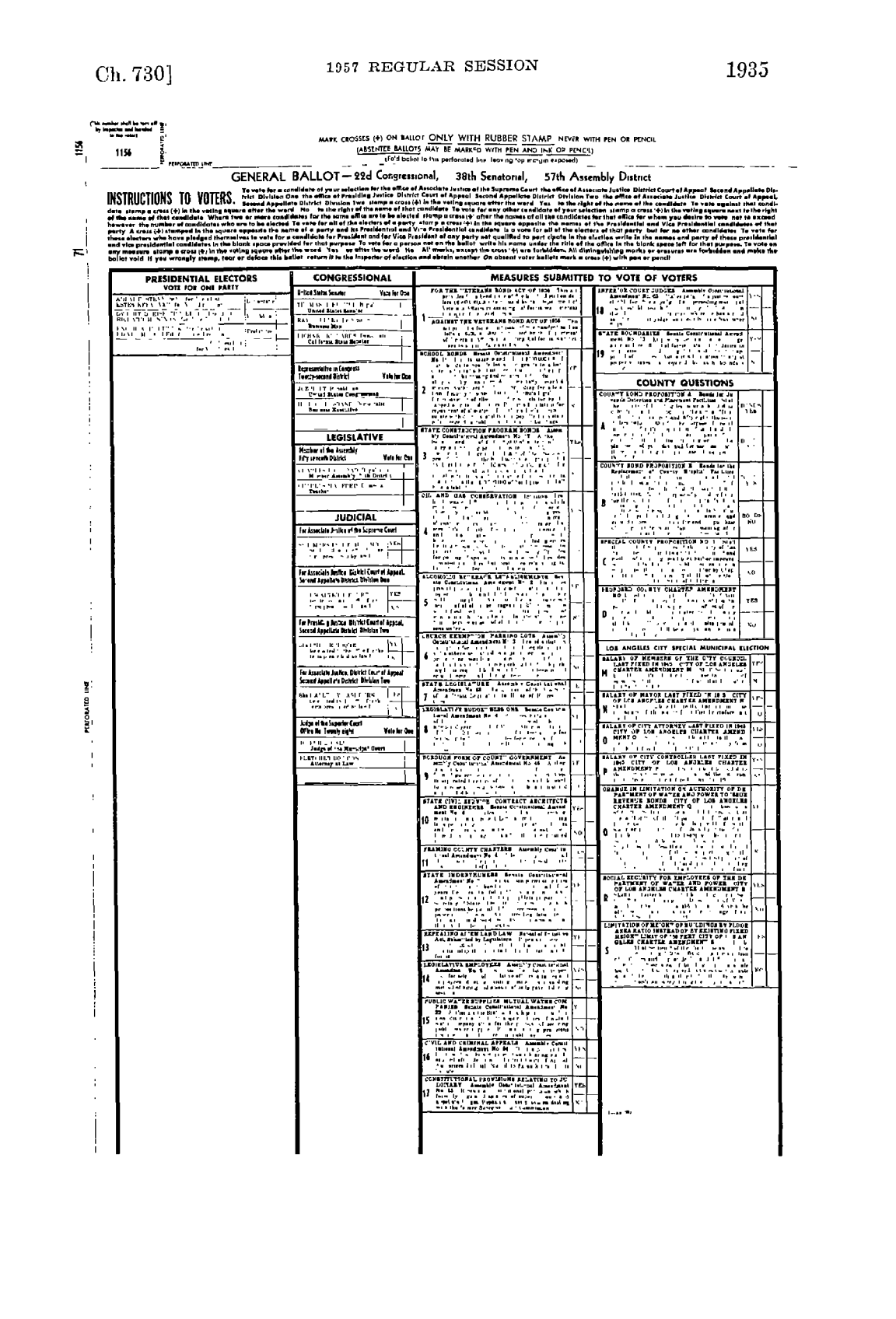
Repeal

SECTION 1. Section 3830 of the Elections Code is repealed.

SEC. 2. Section 3830 is added to said code, to read:

Form of ballot

3830. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:



(This number shall be torn off by inspector and handed to the voter)

1156

PERFORATED LINE

MARK CROSSES (✱) ON BALLOT ONLY WITH RUBBER STAMP NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line leaving top margin exposed)

GENERAL BALLOT—22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS. To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court the office of Associate Justice District Court of Appeal Second Appellate District Division One the office of Presiding Justice District Court of Appeal Second Appellate District Division Two the office of Associate Justice District Court of Appeal Second Appellate District Division Two stamp a cross (✱) in the voting square after the word "Yes" to the right of the name of the candidate To vote against that candidate stamp a cross (✱) in the voting square after the word "No" to the right of the name of that candidate To vote for any other candidate of your selection stamp a cross (✱) in the voting square next to the right of the name of that candidate Where two or more candidates for the same office are to be elected (stamp a cross (✱) after the names of all the candidates for that office for whom you desire to vote not to exceed however the number of candidates who are to be elected To vote for all of the electors of a party stamp a cross (✱) in the square opposite the names of the Presidential and Vice Presidential candidates of that party A cross (✱) stamped in the square opposite the name of a party and its Presidential and Vice Presidential candidates is a vote for all of the electors of that party but for no other candidates To vote for these electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to nominate by petition in the election write in the names and party of these presidential and vice presidential candidates in the blank space provided for that purpose To vote for a person not on the ballot write his name under the title of the office in the blank space left for that purpose. To vote on any measure stamp a cross (✱) in the voting square after the word "Yes" or after the word "No" All marks, except the cross (✱) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot return it to the inspector of election and obtain another. On absent voter ballots mark a cross (✱) with pen or pencil

PRESIDENTIAL ELECTORS
VOTE FOR ONE PARTY

CONGRESSIONAL

United States Senator — Vote for One

Representative in Congress, Twenty-second District — Vote for One

LEGISLATIVE

Member of the Assembly, Fifty-seventh District — Vote for One

JUDICIAL

For Associate Justice of the Supreme Court

For Associate Justice District Court of Appeal, Second Appellate District, Division One

For Presiding Justice District Court of Appeal, Second Appellate District Division Two

For Associate Justice, District Court of Appeal Second Appellate District Division Two

Judge of the Superior Court, Office No. Twenty-eight — Vote for One

MEASURES SUBMITTED TO VOTE OF VOTERS

1 FOR THE "VETERANS BOND ACT OF 1956"
AGAINST THE VETERANS BOND ACT OF 1956

2 SCHOOL BONDS. Senate Constitutional Amendment No. 1

3 STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. 7

4 OIL AND GAS CONSERVATION

5 ALCOHOLIC BEVERAGES LICENSES IN SAN FRANCISCO. Senate Constitutional Amendment No. 2

6 CHURCH EXEMPTION PARKING LOTS. Assembly Constitutional Amendment No. 3

7 STATE LEGISLATURE. Assembly Constitutional Amendment No. 68

8 LEGISLATIVE BUDGET. SENATE ONE. Senate Constitutional Amendment No. 4

9 BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 48

10 STATE CIVIL SERVICE CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. 4

11 FRAMING COUNTY CHARTERS. Assembly Constitutional Amendment No. 4

12 STATE INDEBTEDNESS. Senate Constitutional Amendment No.

13 REPEALING ALIEN LAND LAW. Repeal of Initiative Act, Submitted by Legislature

14 LEGISLATIVE EMPLOYEES. Assembly Constitutional Amendment No. 6

15 PUBLIC WATER SUPPLIES MUTUAL WATER COMPANIES. Senate Constitutional Amendment No. 29

16 CIVIL AND CRIMINAL APPEALS. Assembly Constitutional Amendment No. 64

17 CONSTITUTIONAL PROVISIONS RELATING TO JUDICIARY. Assembly Constitutional Amendment No. 61

18 INSPECTOR COURT JUDGES. Assembly Constitutional Amendment No. 63

19 STATE BOUNDARIES. Senate Constitutional Amendment No. 3

COUNTY QUESTIONS

A COUNTY BOND PROPOSITION A. Bonds for Juvenile Detention and Receiving Facilities.

B COUNTY BOND PROPOSITION B. Bonds for the Replacement of County Hospital. For Lines

C SPECIAL COUNTY PROPOSITION C. Not

D PROPOSED CITY CHARTER AMENDMENT

LOS ANGELES CITY SPECIAL MUNICIPAL ELECTION

H SALARY OF MEMBERS OF THE CITY COUNCIL. SALARY FIXED IN 1945 CITY OF LOS ANGELES CHARTER AMENDMENT H

N SALARY OF MAYOR LAST FIXED IN 1945 CITY OF LOS ANGELES CHARTER AMENDMENT N

O SALARY OF CITY ATTORNEY LAST FIXED IN 1945 CITY OF LOS ANGELES CHARTER AMENDMENT O

P SALARY OF CITY CONTROLLER LAST FIXED IN 1945 CITY OF LOS ANGELES CHARTER AMENDMENT P

Q CHANGE IN LIMITATION ON AUTHORITY OF DEPARTMENT OF WATER AND POWER TO ISSUE REVENUE BONDS CITY OF LOS ANGELES CHARTER AMENDMENT Q

R SOCIAL SECURITY FOR EMPLOYEES OF THE DEPARTMENT OF WATER AND POWER CITY OF LOS ANGELES CHARTER AMENDMENT R

S LIMITATION OF NUMBER OF BUILDINGS BY FLOOR AREA RATIO INSTEAD OF EXISTING FIXED DISTRICT LIMITS IN THE CITY OF LOS ANGELES CHARTER AMENDMENT S

(This number shall be torn off by inspector and handed to the voter)

1154

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line leaving top margin exposed)

PERFORATED LINE

GENERAL BALLOT—22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS. To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court the office of Associate Justice, District Court of Appeal, Second Appellate District Division One the office of Presiding Justice District Court of Appeal Second Appellate District Division Three, stamp a cross (+) in the voting square after the word Yes, to the right of the name of the candidate To vote against that candidate, stamp a cross (+) in the voting square after the word No to the right of the name of that candidate To vote for any other candidate of your selection stamp a cross (+) in the voting square next to the right of the name of that candidate Where two or more candidates for the same office are to be elected stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote not to exceed however the number of candidates who are to be elected To vote for a person not on the ballot write his name under the title of the office in the blank space left for that purpose To vote on any measure stamp a cross (+) in the voting square after the word Yes or after the word No All marks except the cross (+) are forbidden All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp tear or deface this ballot return it to the inspector of election and obtain another On absent voter ballots mark a cross (+) with pen or pencil

STATE

Governor — Vote for One
EDWIN J. KNIGHT Republican — Governor of California
RICHARD ARENS Democratic — Governmental Administrator

Lieutenant Governor — Vote for One
HAROLD J. POWERS Republican — Lieutenant Governor
EDWARD ROYBAL Democratic — Member Los Angeles City Council

Secretary of State — Vote for One
FRANK M. JORDAN Republican — Secretary of State
FRANK C. STEVE Prohibition — Minister
HOPE V. ALEXANDER Independent Progressive — Merchant
DANIEL RADBURN Democratic — Newspaper Publisher

Controller — Vote for One
ROBERT C. KIRKWOOD Republican — State Controller
JOHN T. PHELPS Democratic — Assemblyman 56th District California Legislature
FRED H. PONS Prohibition

Treasurer — Vote for One
CHARLES G. JOHNSON Republican — State Treasurer
HERBERT B. COEN Independent Progressive
GEORGE J. HANSEN Democratic — Business Executive

Attorney General — Vote for One
EDMUND G. (PAT) BROWN — Democratic — Attorney General of California
EDWIN M. COOPER Prohibition — Attorney

Member State Board of Equalization, Fourth District — Vote for One
WILLIAM J. BONELLI Democratic — Member State Board of Equalization
ROBERT E. McDAVID Republican — Certified Public Accountant

CONGRESSIONAL

United States Senator — Vote for One (Short term, ending January 3, 1937)
THOMAS H. KUCHEL Republican — United States Senator
[illegible] Progressive — Teacher and Writer
SAMUEL WILLIAM [illegible] Democratic — Member of United States Congress

Representative in Congress Twenty second District — Vote for One
JOE [illegible] Republican — Member of Congress
WILLIAM [illegible] Democratic — Attorney at Law

LEGISLATIVE

State Senator Thirty eighth District — Vote for One
FRANK [illegible] Republican — Radio Broadcaster
EDWARD RICHARDS Democratic — Attorney at Law
WILFRED [illegible] Prohibition — Housewife

Member of the Assembly Fifty seventh District — Vote for One
[illegible] Republican — Member Assembly 57th District
[illegible] Democratic — Business Executive

JUDICIAL

For Associate Justice of the Supreme Court
[illegible] Republican — YES / NO
Shall [illegible] be elected to the office for the term prescribed by law? YES / NO

For Associate Justice District Court of Appeal Second Appellate District Division One
[illegible] Democratic — YES / NO
Shall [illegible] be elected to the office for the term prescribed by law? YES / NO

For Presiding Justice District Court of Appeal Second Appellate District Division Three
CLEMENT L. SHAW — YES / NO
Shall CLEMENT L. SHAW be elected to the office for the term prescribed by law? YES / NO

MEASURES SUBMITTED TO VOTE OF VOTERS

1 — FOR THE VETERANS BOND ACT OF 1934 [illegible]
AGAINST THE VETERANS BOND ACT OF 1934 [illegible]

2 — SCHOOL BONDS Senate Constitutional Amendment No 3 [illegible] — YES / NO

3 — ALCOHOLIC BEVERAGE CONTROL Senate Constitutional Amendment No 4 [illegible] — YES / NO

4 — AID TO NEEDY AGED Initiative Constitutional Amendment [illegible] — YES / NO

5 — TAXATION EXEMPTION OF VESSELS Senate Constitutional Amendment No 23 [illegible] — YES / NO

6 — PAY OF LEGISLATORS Assembly Constitutional Amendment No 13 [illegible] — YES / NO

7 — LAND TITLES TORRENS ACT An Act to [illegible] — YES / NO

8 — TAX EXEMPTION OF OYSTER, FISH AND VESSELS Senate Constitutional Amendment No 24 [illegible] — YES / NO

9 — CHURCH EXEMPTION PROPERTY UNDER CONSTRUCTION Assembly Constitutional Amendment No 54 [illegible] — YES / NO

10 — TERMS OF STATE OFFICERS Assembly Constitutional Amendment No 1 [illegible] — YES / NO

11 — TAXATION EXEMPTION FOR DISABLED VETERANS Assembly Constitutional Amendment No 31 [illegible] — YES / NO

12 — VOTING ELIGIBILITY Assembly Constitutional Amendment No 45 [illegible] — YES / NO

13 — VERNON CITY CHARTER Assembly Constitutional Amendment No 49 [illegible] — YES / NO

14 — COLLEGE EXEMPTION PROPERTY UNDER CONSTRUCTION Assembly Constitutional Amendment No 53 [illegible] — YES / NO

15 — WELFARE EXEMPTION PROPERTY UNDER CONSTRUCTION Assembly Constitutional Amendment No 55 [illegible] — YES / NO

16 — WATER RIGHTS OF GOVERNMENT AGENCIES Senate Constitutional Amendment No 80 [illegible] — YES / NO

17 — STREET AND HIGHWAY FUNDS VEHICLE PARKING Assembly Constitutional Amendment No 87 [illegible] — YES / NO

18 — RESIDENT NONCITIZENS PROPERTY OWNERSHIP Assembly Constitutional Amendment No 10 [illegible] — YES / NO

19 — INFERIOR COURT JUDGES Assembly Constitutional Amendment No 64 [illegible] — YES / NO

20 — FRAMING COUNTY CHARTERS Senate Constitutional Amendment No 37 [illegible] — YES / NO

COUNTY QUESTIONS

PROPOSITION A County General Hospital One salaried Director [illegible] — YES / NO

PROPOSITION B Courts and other County Funds [illegible] — YES / NO

PROPOSITION C County Jail Warrants Home Relief [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 1 [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 2 [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 3 [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 4 [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 5 [illegible] — YES / NO

PROPOSED COUNTY CHARTER AMENDMENT NO 6 [illegible] — YES / NO

PERFORATED LINE

36

1154

2—20

CHAPTER 731

An act to add Section 5931.7 to the Elections Code, relating to war voters.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5931.7 is added to the Elections Code, to read:

5931.7. If any war voter returns to the county of his residence after the final day for making application for an absentee ballot, he may appear before the clerk and make application for registration, absentee ballot, or both. The clerk shall register the voter, if he is not registered, and deliver to him an absent voter ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the day of election and returned as are other absent voter ballots.

CHAPTER 732

An act to amend Sections 2792.1, 2799, and 2807 of the Elections Code, relating to political conventions.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2792.1 of the Elections Code is amended 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 Saturday designated by the chairman of the state central committee of the party, which shall be no earlier than the eighth or later than the twelfth Saturday following each direct primary election. The chairman shall notify the Secretary of State of the Saturday selected by him no later than the sixth Saturday after that election. Meeting date

SEC. 2. Section 2799 of said code is amended to read:

2799. As soon as practicable after the primary election the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this article. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that: List of delegates. notice

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of such meeting.

(c) The delegate shall appoint three voters to be members of the state central committee.

(d) The appointment of three members of the state central committee shall be made in writing in the form hereinafter prescribed, signed and acknowledged before a notary public or other officer authorized to administer oaths in this State and shall be filed in the Office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Saturday on which the convention is to convene.

(e) The delegate shall send a notice by mail to each of the three appointees, which shall inform him that:

(1) He is a member of the committee:

(2) The committee will meet at Sacramento on the day following the convention and the date of such meeting.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the Office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths.

(f) Four forms of proxy are enclosed, one of which he may use himself, and one of each of the other he shall send with each of the notices of appointment to the state central committee.

SEC. 3. Section 2807 of said code is amended to read:

Organization

2807. The convention shall be called to order at 10 o'clock of the morning of the Saturday upon which it is to be held by the retiring chairman of the state central committee. It shall at once proceed to the election of a temporary chairman by roll call read from the alphabetical roll submitted by the Secretary of State. The convention shall elect such other temporary officers as the convention may determine.

CHAPTER 733

An act to add Section 6453.5 to the Revenue and Taxation Code, relating to sales tax.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6453.5 is added to the Revenue and Taxation Code, to read:

6453.5. In any return filed under the provisions of this chapter the seller may credit, under rules and regulations prescribed by the board, against the tax shown to be due on the return the amount of sales or use tax previously but subsequent to September 30, 1957, reported and paid on gross receipts represented by accounts which during the period covered by the return have been found to be worthless and actu-

ally charged off for income tax purposes; provided that, if any such accounts are thereafter in whole or in part collected by the seller, the amount so collected shall be included in the first return filed after such collection and tax paid accordingly.

CHAPTER 734

An act to amend Sections 3632 and 3672 of the Corporations Code, relating to amendment of articles of incorporation.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3632 of the Corporations Code is amended to read:

Adoption

3632. After any shares have been issued or subscriptions for shares have been accepted, or members other than the incorporators have been admitted by a nonstock corporation, amendments may be adopted by resolution of the board of directors and the vote or written consent of shareholders holding at least a majority of the voting power, or by two-thirds of a quorum of the members of a nonstock corporation, given either before or after the adoption of the resolution of the board of directors.

The articles of incorporation may require the vote or written consent of the holders of any greater percentage or fraction of the outstanding shares of any one or more classes or series for the approval of any amendment of the articles or of amendments of particular kinds or for particular purposes, or may require for such approval the vote or written consent of the holders of a greater percentage or fraction of the voting power or outstanding shares, than would otherwise be required under this article, but in no case may the articles or by-laws prohibit any amendment authorized by this chapter.

SEC. 2. Section 3672 of the Corporations Code is amended to read:

Amendments after issuance of shares, etc

3672. In the case of amendments adopted after the issuance of shares or while any subscription to shares is outstanding prior to the issuance of any shares or after members other than the incorporators have been admitted by a nonstock corporation, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary, and shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge.

The certificate shall set forth the following:

(a) If the amendment is one for the adoption of which a resolution of the board of directors alone is required, a copy of the resolution of the board of directors.

(b) If the amendment is one for the adoption or approval of which the vote or consent of the shareholders or members

alone is required, a copy of the resolution adopting the amendment; the time and place of the meeting at which the resolution was adopted, and the number of shares or members voting in favor of the resolution; or if approval was by written consent, a copy of the form of written consent; the number of shares or members consenting; and in either case, the total number of shares entitled to vote on or consent to the amendment, or, in the case of a nonstock corporation, the number of members constituting a quorum.

(c) If the amendment is one which is required to be adopted by the vote of different classes of shares, the total number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles.

(d) If the holders of any class of shares or memberships are entitled to more or less than one vote per share or membership, the total number of votes entitled to be cast or to be represented by written consents and the total number of votes cast in favor of the proposed amendment or represented by the written consents thereto.

(e) If the amendment is one for the adoption of which the approval of both the board of directors and the shareholders or members is required, the certificate shall set forth the matter required by subdivisions (a) and (b), and the matter required by subdivisions (c) and (d) if applicable.

Copy

The copy of the resolution or form of written consent of shareholders included in the certificate need not set forth the amendment or amended articles; provided, such copy contains a statement that the amendment or amended articles as set forth in the directors' resolution was set forth in the shareholders' resolution or form of written consent at the place indicated in such copy. The certificate need not contain a copy of the shareholders' resolution if it was identical in form to the directors' resolution and the certificate so states.

CHAPTER 735

An act to amend Section 187 of the Elections Code, relating to the attendance of meetings by city clerks.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 187 of the Elections Code is amended to read:

187. On written call of the Secretary of State, the county clerks, city clerks, and registrars of voters of this State may meet with the approval of their legislative body, 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, city 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, city 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 charge of the county, city or city and county of such clerk or registrar, and payable as other county, city or city and county charges.

CHAPTER 736

An act to amend Section 650.6 of the Vehicle Code, relating to lamps on vehicles.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1 Section 650.6 of the Vehicle Code is amended to read:

650.6. Special Restrictions on Lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, fog lamps, signal lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than 300 candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle. Special lamps

(b) Flashing lights are prohibited on motor vehicles except as follows: Flashing lights

1. To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

2. As warning lights on disabled vehicles as permitted in Section 590 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

3. For use on emergency vehicles

4 For use on tow cars to the extent provided in Section 586 5.

5. For use during nighttime or at times of low visibility, vehicles used by highway authorities or bridge and highway districts in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used while the vehicles are parked or working on the highway.

6. For use during nighttime or at times of low visibility, vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides in aerosol form or as mists, fogs, or smokes, may be equipped with flashing or other red lights to the front or rear which may be used while the vehicles are parked or working on the highway.

Prohibition

(c) No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code. The provisions of this section shall not apply to:

1. Interior lamps;

2. Lamps needed in the operation or utilization of those vehicles mentioned in Section 623.5, or vehicles used by public utilities in the repair or maintenance of their service; or

3. Lamps or devices that emit a diffused nonglaring light of not more than 0.05 of 1 candle power per square inch of area.

Any diffused nonglaring light shall not display red to the front, but may display other colors notwithstanding the color limitations in Section 640. Such diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness of any required lamp, reflector or other device upon the vehicle, nor shall any such diffused nonglaring light resemble any traffic sign, signal or control device nor any street or highway regulatory, warning, directional or informational sign. Every such diffused nonglaring light shall be subject to approval by the California Highway Patrol.

Such lamps or devices shall be limited in size to an area of 720 square inches and where any lease, rental or donation is involved the installation of such lamps or devices shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts and municipalities in close proximity.

Experimental lamps

(d) The department may issue a permit for the use of lamps or devices for experimental purposes. The use of any lamp or device under such permit shall not be deemed to be a violation of this code.

CHAPTER 737

An act to amend Sections 6004, 6005, 6006, 6007, 6081, 6083 and 6084 of the Business and Professions Code, relating to enrollment and discipline of active and inactive members of the State Bar of California.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6004 of the Business and Professions Code is amended to read:

6004. Every member of the State Bar is an active member until, by action of the board of governors as in Section 6007 of this code provided or at his request, he is enrolled as an inactive member. Active members

SEC. 2. Section 6005 of said code is amended to read:

6005. Inactive members are those members who have requested that they be enrolled as inactive members or who have been enrolled as inactive members by action of the board of governors as in Section 6007 of this code provided. Inactive members

SEC. 3. Section 6006 of said code is amended to read:

6006. Active members who retire from practice shall be enrolled as inactive members at their request.

Inactive members are not entitled to hold office or vote or practice law. Those who are enrolled as inactive members at their request may, on application and payment of all fees required, become active members. Those who are enrolled as inactive members by action of the board of governors as in Section 6007 of this code provided may become active members as in said Section 6007 provided.

Inactive members have such other privileges, not inconsistent with this chapter, as the board of governors provides.

SEC. 4. Section 6007 of said code is amended to read:

6007. When it appears to the board of governors that a member of the State Bar has been adjudicated to be incompetent and that he has not been restored to capacity, or that he has been adjudged to be mentally ill or insane and committed to an institution for care and treatment and that he has not recovered from his mental illness or insanity, the board shall enroll the member as an inactive member. The board shall terminate any enrollment as an inactive member under this section when the member has been restored to capacity, or has recovered from his mental illness or insanity; and, on payment of all fees required, shall restore the member to active membership. No membership fees shall accrue against the member during the period he is enrolled as an inactive member pursuant to this section. Incompetents

When such adjudication of incompetency or such judgment of mental illness or insanity has become final, the clerk of the court in which such adjudication is had or such judgment is rendered shall, within 30 days thereafter, transmit a certified copy of the record of adjudication of incompetency or of the judgment of mental illness or insanity to the board. The proceedings to enroll the attorney as an inactive member shall be undertaken by the board upon receipt of a certified copy of the record of such adjudication of incompetency or of the judgment of mental illness or insanity.

When a member of the State Bar has had the fact of his restoration to capacity judicially determined or when a certificate of his recovery from mental illness or insanity has been filed as provided by law, the clerk of the court which has determined the member's restoration to capacity or in which

such certificate has been filed shall, within 30 days after the judgment of restoration to capacity has become final or within 30 days after the filing of such certificate, transmit a certified copy of such judgment of restoration to capacity or of such certificate to the board. The proceedings to terminate the enrollment of the attorney as an inactive member shall be undertaken by the board upon receipt of a certified copy of the judgment of restoration to capacity or upon receipt of a certified copy of the certificate of recovery from mental illness or insanity.

SEC. 5 Section 6081 of said code is amended to read:

Recommendation for disbarment, etc

6081. Upon the making of any decision recommending the disbarment or suspension from practice of any member of the State Bar, the board shall immediately file a certified copy of the decision, together with the transcript and the findings, with the Clerk of the Supreme Court. Upon enrolling a member as an inactive member pursuant to Section 6007 of this code, or upon terminating or refusing to terminate such enrollment pursuant to such section the board shall immediately give appropriate written notice to the member and to the Clerk of the Supreme Court.

SEC. 6. Section 6083 of said code is amended to read:

Review

6083. (a) A petition to review or to reverse or modify any decision recommending the disbarment or suspension from practice of a member of the State Bar may be filed with the Supreme Court by the member within 60 days after the filing of the decision recommending such discipline.

(b) A petition to review or to reverse or modify any decision reproving a member of the State Bar, or any action enrolling him as an inactive member pursuant to Section 6007 of this code or refusing to restore him to active membership, pursuant to such section may be filed with the Supreme Court by the member within 60 days after service upon him of notice of such decision or action.

(c) Upon such review the burden is upon the petitioner to show wherein the decision or action is erroneous or unlawful.

SEC 7 Section 6084 of said code is amended to read:

Supreme Court

6084. When no petition to review or to reverse or modify has been filed within the time allowed therefor in cases in which a certified copy of the decision is filed pursuant to Section 6081 of this code, and in any case in which such a petition is filed within the time allowed therefor, the Supreme Court shall make such order as it may deem proper in the circumstances. Notice of such order shall be given to the member and to the State Bar. A petition for rehearing may be filed within the time generally provided for petitions for rehearing in civil cases.

CHAPTER 738

An act to amend Section 13911 of, and to add Section 13912 to the Public Utilities Code, relating to the annexation of territory to municipal utility districts.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13911 of the Public Utilities Code is amended to read:

13911. Upon the completion of the annexation of any territory in accordance with law to any city included in the district the city clerk shall file with the secretary of the district a certified copy of the ordinance, resolution or other document completing said annexation, containing a description of the territory so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation of said territory to the district, said territory shall upon the termination of said period be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district. Filing

SEC. 2. Section 13912 is added to said code, to read:

13912. If the district shall file its objections in the manner aforesaid to the annexation of said territory to the district, said territory shall not be annexed to the district except in the manner provided in Articles 1, 2, 3 and 4 of this chapter. The district may withdraw such objections by filing with the city clerk a certified copy of a resolution of the board stating that such objections are withdrawn. Thereupon said territory shall be deemed incorporated into and annexed to the district as provided in Section 13911. Objections

---

CHAPTER 739

An act to amend Sections 72702, 72702.5, 72703, 72704, 72705, 72705.5, 72751, 72752, 72753, 72754, 72755, 72756, 72640, 72645, 72646, 72647, 72649, 72650 and 72720 of, and to add Sections 72704.5, 72760 and 72721 to, the Government Code, all relating to the officers and attaches of municipal courts in Los Angeles County.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 72702 of the Government Code is amended to read:

Clerk: Appointment and salary

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 54 of the salary schedule provided in Section 72705.

SEC. 2. Section 72702.5 of the Government Code is amended to read:

Deputies

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 49 of the salary schedule provided in Section 72705.

SEC. 3. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 45.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 45.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 45.

(d) One deputy clerk who shall be chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 45.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(f) One deputy clerk who shall be assistant chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 42.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 42.

(h) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 42.

(i) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 43.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 4. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Three deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(b) Forty-nine deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(c) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in

Schedule 36. Appointment to said position shall be at step C of said schedule.

(d) Nine deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 35. Appointments to said positions shall be at step C of said schedule.

(e) Forty-nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(f) Six deputy clerks, bookkeeping machine operator, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(g) Eighty-six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(h) One hundred sixty-four deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 5. Section 72704.5 is added to the Government Code, to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

One head tabulating machine operator who shall receive a monthly salary at least equal to the rate specified in Schedule 39.

One intermediate tabulating machine operator who shall receive a monthly salary at least equal to the rate specified in Schedule 34.

One tabulating machine operator who shall receive a monthly salary at least equal to the rate specified in Schedule 32.

Two supervising key punch operators, each of whom shall receive a monthly salary at least equal to the rate specified in Schedule 31.

Eighteen key punch operators, each of whom shall receive a monthly salary at least equal to the rate specified in Schedule 29.

Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for any position of the same classification by the salary ordinance of Los Angeles County, each person holding a position specified in this section shall receive a monthly salary in no event less than is payable in the same month to persons of like tenure holding a position of the same classification under said salary ordinance.

SEC. 6. Section 72705 of the Government Code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply: Salary

Schedule number	Step A	Step B	Step C	Step D	Step E
28			$288	$303	$319
29			303	319	337
30	$288	$303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940
49	797	842	889	940	992
50	842	889	940	992	1,048
51	889	940	992	1,048	1,107
52	940	992	1,048	1,107	1,170
53	992	1,048	1,107	1,170	1,236
54	1,048	1,107	1,170	1,236	1,306
55	1,107	1,170	1,236	1,306	1,380
56	1,170	1,236	1,306	1,380	1,458
57	1,236	1,306	1,380	1,458	1,540
58	1,306	1,380	1,458	1,540	1,627

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, during the period of such service, shall draw the compensation of the step in the next higher numbered schedule which will increase his basic compensation by one step; any deputy clerk of grade III classification who in addition to the above is required to work a night shift shall receive a two-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Any deputy clerk grade IV assigned to the division occupied by the presiding judge or whose regular assignment includes the supervision of clerical personnel at a multiple division branch court located more than 10 miles from the principal office of the court, during the period of such assignment, shall receive compensation at the step rate of a higher numbered salary schedule which will increase his basic compensation by two steps. Not more than seven additional deputy clerks grade IV, while assigned to supervisory duties in other divi-

sions of the court, shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step.

(c) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step 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, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(d) When any person in the service of the court 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.

(e) On the effective date of the amendment to this section, the higher of the following rates shall become the initial basic compensation of each person occupying a position for which a salary is fixed by reference to the schedule set forth in this article:

1. The lowest step of the salary schedule pertaining to the position occupied which provides compensation not less than 5 percent higher than the salary last earned in such position, or

2. That step rate of the salary schedule pertaining to the position occupied as is specified in (c) of this section for the applicable period of continuous prior service in the same position. The anniversary date of the original appointment to the same position shall govern subsequent advances to higher salary steps for all persons whose initial rate of salary is fixed by either of the above provisions.

(f) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 7. Section 72705.5 of the Government Code is amended to read:

72705.5. One year after the effective date of the amendment to this section, the basic compensation of each of the following positions shall become that fixed by Section 72705 for the respective salary schedule herein specified:

Deputy clerk grade I, Schedule number 29.
Deputy clerk grade IV, Schedule number 40.
Principal clerk, Schedule number 41.
Assistant division chief, Schedule number 43.
Chief administrative services, Schedule number 43.
Chief, traffic division, Schedule number 46.
Chief, civil division, Schedule number 46.
Chief, criminal division, Schedule number 46.

SEC. 8. Section 72751 of the Government Code is amended to read:

Officers and attaches Appointment and salary

72751. In each municipal court district having five judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 46.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step B of said schedule. One year after the effective date of this act the appointment rate for said positions shall become step C of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Six deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief cashier-bookkeeper who shall receive a monthly salary at a rate specified in Schedule 40.

(f) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 40.

(g) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 41.

(h) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 41.

(i) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 41.

SEC. 9. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 45.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step B of said schedule. One year after the effective date of this act the appointment rate for said positions shall become step C of said schedule.

(b) Four deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(c) Four deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Four deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 41.

SEC. 10. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 45.

The clerk may appoint:

(a) Five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step B of said schedule. One year after the effective date of this act the appointment rate for said positions shall become step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(c) Four deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Three deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 41.

SEC. 11. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 43.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step B of said schedule. One year after the effective date of this act the appointment rate for said positions shall become step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(d) Two deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

SEC. 12. Section 72755 of the Government Code is amended to read:

Five-step rate of compensation

72755. In those positions for which this article provides a five-step rate of compensation, the provisions of this section shall apply.

(a) Except in the case of transfer, demotion, promotion or where otherwise specifically provided, original appointments to such positions shall be at the rate designated for step A of the salary schedule pertaining to the position occupied.

(b) The initial rate of compensation shall be increased to the next higher step of the schedule applicable to the position occupied upon the completion of six months' continuous service in the same position. Upon the completion of each ensuing 12 months of such service, such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies the civil service commission.

(d) When a person is promoted to a position on a five-step basis, he shall receive the first-step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

1. Step E of the salary schedule pertaining to the position to which he is demoted.

2. The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the salary schedule pertaining to the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) If a person begins employment between the first and fifteenth of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the sixteenth day of a calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion, a person shall retain the anniversary date held in the higher position.

(i) On the effective date of the amendment to this section, the higher of the following rates shall become the initial basic compensation of each person occupying a position for which a salary is fixed by reference to the schedule set forth in this article:

1. The lowest step of the salary schedule pertaining to the position occupied which provides compensation not less than 5 percent higher than the salary last earned in such position, or

2. That step rate of the salary schedule pertaining to the position occupied as is specified in (b) of this section for the applicable period of continuous prior service in the same position. The anniversary date of the original appointment to the same position shall govern subsequent advances to higher salary steps for all persons whose initial rate of salary is fixed by either of the above provisions.

SEC. 13. Section 72756 of the Government Code is amended to read:

72756. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply: Salary

Schedule number	Step A	Step B	Step C	Step D	Step E
29	$273	$288	$303	$319	$337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940
49	797	842	889	940	992
50	842	889	940	992	1,048
51	889	940	992	1,048	1,107

SEC. 14. Section 72760 is added to the Government Code, to read:

72760. One year after the effective date of this act, the basic compensation of each of the following positions shall become that fixed by Section 72756 for the respective salary schedule herein specified:

Deputy clerk grade IV, Schedule number 40.

Chief cashier-bookkeeper, Long Beach, Schedule number 41.

Jury secretary, Long Beach, Schedule number 41.

Chief deputy clerk, Schedule number 42.
Chief clerk, civil, Long Beach, Schedule number 42.
Chief clerk, criminal, Long Beach, Schedule number 42.
Chief clerk, traffic, Long Beach, Schedule number 42.
Clerk, one-judge court, Schedule number 44.
Clerk, two-judge court, Schedule number 46.
Clerk, three-judge court, Schedule number 46.
Clerk, five-judge court, Schedule number 47.

SEC. 15. Section 72640 of the Government Code is amended to read:

Marshal. Appointment and salary

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 an annual salary of fifteen thousand five hundred dollars ($15,500).

SEC. 16. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

Assistants

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 51, set forth in Section 72649.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 48, set forth in Section 72649.

(c) One chief deputy marshal.

SEC. 17. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Four inspectors, each of whom shall receive monthly compensation as provided in Schedule 47, set forth in Section 72649.

(b) Fourteen captains, each of whom shall receive monthly compensation as provided in Schedule 44, set forth in Section 72649.

(c) Eighteen lieutenants, each of whom shall receive monthly compensation as provided in Schedule 41, set forth in Section 72649. On the effective date of this section, each person occupying a position of sergeant (supervisor) shall succeed to one of the positions of lieutenant herein specified.

(d) Twenty-two sergeants, each of whom shall receive monthly compensation as provided in Schedule 39, set forth in Section 72649.

(e) Two hundred deputies, each of whom shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649.

SEC. 18. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(b) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649.

(c) One property clerk who shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649.

(d) Thirty-two deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649.

(e) Sixty deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 31, set forth in Section 72649.

(f) Ten deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 28, set forth in Section 72649.

(g) Four administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 35, 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 who shall receive monthly compensation as provided in Schedule 43, set forth in Section 72649.

(j) One pay roll clerk who shall receive monthly compensation as provided in Schedule 32, set forth in Section 72649.

(k) One principal clerk who shall receive monthly compensation as provided in Schedule 36, set forth in Section 72649.

SEC. 19. Section 72649 of the Government 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. Applicability

(a) The following schedules of compensation shall apply to the Office of the Marshal, Municipal Courts, Los Angeles County, and to any court service division created under this chapter: Salary

Schedule number	Step A	Step B	Step C
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
53	1,107	1,170	1,236
54	1,170	1,236	1,306
55	1,236	1,306	1,380
56	1,306	1,380	1,458

(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 step B such person shall receive monthly the rate of compensation specified in step C of the salary schedule for the position occupied.

(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.

SEC. 20. Section 72650 of the Government Code is amended to read:

72650. One year after the effective date of the amendment to this section, the basic compensation of each of the following positions shall become that fixed by Section 72649 for the respective salary schedule herein specified:

Chief deputy inspector, Schedule number 49.

Captain, Schedule number 45.

Lieutenant, Schedule number 42.

Deputy clerk, grade III, Schedule number 34.

Administrative clerk, Schedule number 36.

Principal clerk, Schedule number 37.

SEC. 21. Section 72720 of the Government Code is amended to read:

72720. The Chief Deputy Marshal, Municipal Courts, Los Angeles County, shall be ex officio Superintendent of Bailiffs. Municipal Court, Los Angeles Judicial District. There shall be such number of deputy bailiffs of said court, not to exceed a number equal to the number of judges of said court, to be nominated by the superintendent of bailiffs, and confirmed by the presiding judge of the court; which personnel shall be selected from the personnel of the Office of Marshal, Municipal Courts, Los Angeles County, for such assignment. During such assignment, said superintendent and such deputy bailiffs shall be under the exclusive jurisdiction of said court, but they shall continue to have all rights in employment as such chief deputy marshal and officers or deputies in the office of the marshal. Superintendent of Bailiffs.

Any demotion, suspension or discharge of the chief deputy marshal, or any release from his assignment as superintendent of bailiffs shall require the concurrent action of the Marshal, Municipal Courts, Los Angeles County, and of two-thirds of all the judges of said municipal court. Demotion, etc

Marshal's duty to make officers available

Pursuant to the designation of deputies bailiff by the superintendent of bailiffs and the presiding judge, the Marshal, Municipal Courts, Los Angeles County, shall not be required to make available more than one captain, two lieutenants, and five sergeants, by grade, in the personnel so selected; and the remaining number may be senior deputies marshal.

Quarters, etc.

Suitable quarters, heating, lighting, furniture, books, supplies, motor vehicles for transportation, and janitor service shall be made available for the superintendent of bailiffs and said deputies bailiff in the performance of their duties by the Board of Supervisors, Los Angeles County.

SEC. 22. Section 72721 is added to the Government Code, to read:

Superintendent of Bailiffs, etc

72721. Upon the effective date of this act, the Marshal of Municipal Courts, Los Angeles County, without additional compensation, shall be ex officio the Superintendent of Bailiffs, Municipal Court, Los Angeles Judicial District. During such times as he acts in said capacity, all provisions of Section 72720 shall be inoperative, and the selection, tenure and duties of court bailiffs for the Municipal Court, Los Angeles Judicial District, shall be governed by Section 72648. Motor vehicles for the transportation of court bailiffs in the performance of their duties shall be made available by the Board of Supervisors, Los Angeles County.

CHAPTER 740

An act to amend Section 697 of the Vehicle Code, relating to size of vehicles.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 697 of the Vehicle Code is amended to read:

697. Height and Length of Vehicles. (a) No vehicle or any load upon a vehicle shall exceed a height of 13 feet 6 inches measured from the surface upon which the vehicle stands.

(b) No vehicle shall exceed a length of 35 feet, except that a semitrailer meeting all of the requirements in this section may be of a length not to exceed 40 feet.

Semitrailers over 35 feet in length shall not exceed 32 feet from the center of the turning axis (kingpin) to the center of the rearmost axle, and no portion of such semitrailer or its body or load forward of the turning axis shall project to a greater distance than a 60-inch radius from the center of said turning axis.

(c) No combination of vehicles including any attachments thereto, coupled together shall exceed a total length of 60 feet.

(d) Any extension or device used to increase the carrying capacity of a vehicle shall be included in measuring the length of such vehicle; provided, that a drawbar shall not be included in measuring the length of a vehicle but shall be included in measuring the over-all length of a combination of vehicles.

CHAPTER 741

An act to amend Section 673 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 673 of the Vehicle Code is amended to read:

673. Mufflers—Prevention of Noise. Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cut-out, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this section.

A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

The exhaust gases from a motor vehicle shall not be directed to the side of the vehicle between 2 feet and 11 feet above the ground.

CHAPTER 742

An act to amend Section 2797 of the Elections Code, relating to vacancies in the membership of the state convention of a political party.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2797 of the Elections Code is amended to read:

2797. Delegates shall be appointed to fill vacancies in the membership of party state conventions as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever such a vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or assembly district involved.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the county central committee of the party in the county wherein the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or wherein the "holdover delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in this article, by appointment by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the state central committee of the party of a voter who resides within the congressional district to be represented.

CHAPTER 743

An act to amend Sections 8200 and 8205.1 of the Government Code, relating to notaries public.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8200 of the Government Code is amended to read:

Appointment

8200. The Governor may appoint and commission notaries public for the several counties of the State in such number as he deems necessary for the public convenience. Notaries public shall reside or have their principal place of business in the county where appointed but they may act as such notaries in any part of this State, and they shall receive for their services such fees as are provided by law; provided, however, that the name of the county for which the commission is issued shall be clearly indicated upon the document.

SEC. 2. Section 8205.1 of said code is amended to read:

Restriction

8205.1. No person shall be appointed a notary public for more than one county, except that the same person may be separately appointed for the county of his residence and the county where he has his principal place of business or employment.

CHAPTER 744

An act to amend Section 34311 of the Government Code, relating to organization of new cities

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 34311 of the Government Code is amended to read:

34311 The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all.

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by the owners of land within the boundaries of the proposed incorporation representing 51 percent of the total assessed valuation of the land within said boundaries, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of the same or substantially the same area shall be initiated for one year after the date of such determination.

CHAPTER 745

An act to add Section 34090.6 to the Government Code, relating to the destruction of canceled bonds and interest coupons by city officers.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 34090.6 is added to the Government Code, to read:

34090.6. A city officer having in his custody canceled city bonds or interest coupons for a period of five years or longer may cremate, or provide for the cremation of, such bonds or coupons provided that a cremation certificate shall be issued for each bond and coupon cremated and such certificate shall be retained in the custody of such city officer.

CHAPTER 746

An act to amend the article heading of Article 2 (commencing at Section 18275) of Chapter 4, Part 2, Division 13 of, to repeal Sections 18275 and 18279 of, to add Sections 18275 and 18279 to, and to amend Sections 18276 and 18278 of, the Health and Safety Code, relating to auto and trailer parks.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The article heading of Article 2 (commencing at Section 18275) of Chapter 4, Part 2, Division 13 of the Health and Safety Code is amended to read:

Article 2. Trailer Parks

Repeal

SEC. 2. Sections 18275 and 18279 of said code are repealed.

SEC. 3. Section 18275 is added to said code, to read:

Side and rear yard areas

18275. Each trailer site in a trailer park shall have minimum side yard and rear yard areas of not less than three feet (3′) on each side and to the rear of the trailer coach. Upon application in writing, the Division of Housing or the enforcement agency may issue a permit for the construction or operation of a trailer park which permit may allow variations in specified respects from the requirements of this part, under the following conditions:

Conditions for variation

(a) When the trailer park is operated incidental to the operation of a fishing resort where boats are rented, and such trailer park is not so located as to rely primarily on tourist travel for patronage.

(b) Where such relaxation in the requirements of this part will not in fact endanger public health, welfare, and safety.

(c) Where trailer parks are located in recognized vacation, resort, or recreational areas of the State, the division or the enforcement agency may permit a reduction of the minimum site and rear yard area requirements as set forth herein.

SEC. 4. Section 18276 of said code is amended to read:

Location

18276. No trailer coach shall be located closer than six feet (6′) from any building or another trailer coach; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of an occupant of a trailer site, designed for the occupancy of one trailer coach.

SEC. 5. Section 18278 of said code is amended to read:

Driveway

18278. Each trailer site shall front upon a driveway of not less than fifteen feet (15′) in width. All driveways shall have clear and unobstructed access to a public thoroughfare.

SEC. 6. Section 18279 is added to said code, to read:

18279. A trailer park shall not accommodate any trailer coaches for which there are no sites conforming to the provisions of this article. Prohibition

---

CHAPTER 747

An act to repeal Sections 18350 and 18356 of, to add Sections 18350 and 18356 to, and to amend Sections 18353 and 18369 of, the Health and Safety Code, relating to auto and trailer parks.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Sections 18350 and 18356 of the Health and Safety Code are repealed.

SEC. 2. Section 18350 is added to said code, to read:

18350. (a) Public toilets, baths, and lavatories shall be installed and maintained for each sex in accordance with the following ratio of trailer sites; provided, however, that the number of such public facilities may be reduced accordingly when private toilet and bath facilities are erected on trailer sites and it is further provided that the number of lavatories designed for the use of women may be reduced by fifty percent (50%): Toilets, etc., in

Sites	Toilets	Baths	Lavatories
2-30	2	2	2
31-70	3	3	3

One additional toilet and one additional bath shall be provided for each sex for each fifty (50) additional sites or fractional part thereof in excess of seventy-one (71) sites. The enforcement agency, when conditions warrant, may approve the installation and use of other types of toilet facilities.

(b) All toilet facilities for dependent trailers shall not be farther than two hundred feet (200') from each trailer site.

(c) Each toilet shall be for the exclusive use of the occupants of the trailer sites in the auto and trailer park.

SEC. 3. Section 18353 of said code is amended to read:

18353. In every auto and trailer park water closets for men shall be distinctly marked: "Men" and water closets for women shall be distinctly marked: "Women." Marking

SEC. 4. Section 18356 is added to said code, to read:

18356. In every auto and trailer park, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain. Shower baths

SEC. 5. Section 18369 is amended to read:

Variations Permit

18369. Upon application, the Division of Housing or other enforcement agency may issue a permit for the operation of an auto or trailer park, which permit may allow variations in specified respects from the requirements of this article, under the following conditions

Conditions

(a) When the auto or trailer park is operated incidental to the operation of a fishing resort where boats are rented, and the auto or trailer park is not so located as to rely primarily on tourist travel for patronage.

(b) Where such relaxation in the requirements of this article as the Division of Housing may permit will not in fact endanger public health.

(c) Where trailer parks are located in recognized vacation, resort, or recreational areas of the State, the division or enforcement agency may permit the following minimum water closet, bathing, and plumbing facilities for dependent trailers:

(a) There shall not be less than one water closet in a separate compartment for each sex for the first 10 trailer sites or fractional part thereof not provided with a private water closet.

(b) There shall be one additional water closet for each sex in a separate compartment for every 10 additional trailer sites or fractional part thereof.

(c) In no event shall there be less than one toilet for each sex in any auto and trailer court.

The enforcement agency, when conditions warrant, may approve the installation and use of other types of toilet facilities.

CHAPTER 748

An act to amend Section 23184 of the Revenue and Taxation Code, relating to franchise taxes of financial corporations.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 23184 of the Revenue and Taxation Code is amended to read:

23184. Financial corporations may offset against the franchise tax the amounts paid during the income year to this State or to any county, city, town, or other political subdivisions of the State as personal property taxes, or as license fees or excise taxes for the following privileges:

(a) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Act.

(b) Operating motor vehicles under Part 5 of this division.

(c) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(d) Storing, using or otherwise consuming in this State of tangible personal property by savings and loan associations.

The tax on financial corporations after the allowance of offset shall not be less than 4 percent of its net income for the preceding income year nor less than the minimum tax of twenty-five dollars ($25).

CHAPTER 749

An act to amend Section 4057 of the Business and Professions Code, relating to the sale of drugs.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4057 of the Business and Professions Code is amended to read:

4057. Nothing in this chapter shall apply to or interfere with the sale at wholesale or retail by grocers, dealers, persons who are not registered pharmacists, and other vendors generally without restriction of the following articles, whether or not they are otherwise exempted from the provisions of this chapter by Section 4052 or otherwise referred to therein: vitamin or mineral products or combinations thereof, dietary foods or food supplements, foods or other nutrients for dietary uses when any of such articles are sold to supplement or fortify the ordinary or usual diet of man or other animal or poultry and are labeled accordingly, and when such articles meet the requirements of the Federal Food, Drug and Cosmetic Act and the food laws of the State of California; Glauber salt, petroleum jelly, turpentine, cod-liver oil, milk of magnesia, condition powders, cream of tartar, carbonate of soda, bay rum, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerin, witch hazel, sheep dip, borax, sulfur, aspirin tablets, gauze bandage, mineral oil, sterile cotton, medicated adhesive and corn plasters, peroxide of hydrogen, 10 volume, bluestone, copperas, flaxseed, insect powder, flypaper, unmedicated corn plasters, unmedicated adhesive plasters, epsom salts, saccharin, and poultry vermifuge.

CHAPTER 750

An act to add Section 23671 to the Business and Professions Code, relating to importation of beer.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23671 is added to the Business and Professions Code, to read:

23671. No beer importer shall purchase any beer not manufactured within the State or cause any beer to be transported into the State for sale herein, unless the out-of-state vendor making shipment of such beer into the State holds a certificate of compliance issued by the department. A certificate of compliance shall be granted when such out-of-state vendor shall have made a written agreement with the department to furnish to the board, on or before the twenty-fifth day of each month, a report on a form prescribed by the board, showing the quantity of beer shipped by such out-of-state vendor to each licensed beer importer in this State during the preceding month.

If any such out-of-state vendor shall, after obtaining such certificate, fail to submit such report, the department may suspend or revoke the certificate of compliance in the manner provided for the suspension or revocation of licenses, and after a hearing which shall be held in the City of Sacramento or in such other county seat in this State as the department determines to be convenient to the holder of the certificate. No fee shall be charged for such certificate of compliance which shall remain in effect until revoked by the department.

CHAPTER 751

An act to amend Section 2894 of the Elections Code, relating to the filling of vacancies arising from the death or disqualification of persons nominated at the direct primary.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2894 of the Elections Code is amended to read:

2894. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased or disqualified candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the newly selected state central committee of such party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the newly selected state central committee of the party, who reside in the congressional district in which the vacancy occurs, acting together with the newly elected members of the county central committee or committees of the party residing in such congressional district.

CHAPTER 752

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. As used in this act "taxing agency" includes the State, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) 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.

SEC. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 753

An act to amend Sections 107, 2189.5, and 2916 of the Revenue and Taxation Code, relating to the time in which personal property may be seized and sold for unpaid taxes.

In effect September 11, 1957

[Approved by Governor June 1, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 107 of the Revenue and Taxation Code is amended to read:

"Possessory interests"

107. "Possessory interests" means the following:

(a) Possession of, claim to, or right to the possession of land or improvements, except when coupled with ownership of the land or improvements in the same person.

(b) Taxable improvements on tax-exempt land.

Except as provided in this section, possessory interests shall not be considered as sufficient security for the payment of any taxes. Leasehold estates for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth, and other rights relating to such substances which constitute incorporeal hereditaments or profits a prendre, are sufficient security for the payment of taxes levied thereon. Such estates and rights shall not be classified as possessory interests, but shall be placed on the secured roll.

In the event of delinquency in the payment of any installment of taxes on such leasehold estates or rights, they shall be subject to seizure and sale in the same manner as provided for the seizure and sale of possessory interests in Sections 2914 to 2919, inclusive, at any time within three years after the delinquency. Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof.

SEC. 2. Section 2189.5 of said code is amended to read:

Security

2189.5. Every tax on personal property and improvements, located upon or appurtenant to a leasehold estate for the production of gas, petroleum or other hydrocarbon substances from beneath the surface of the earth, and belonging to the owner of such leasehold estate, may be secured by such leasehold estate, when, in the opinion of the assessor, such leasehold estate is of sufficient value to constitute security for the payment of all taxes upon such personal property or improvements and upon such leasehold estate. In the event of delinquency in the payment of any such tax, such personal property, improvements and leasehold estate shall be subject to seizure and sale in the same manner as provided for the seizure and sale of unsecured personal property, in Sections 2914 to 2920, inclusive, at any time within three years after the delinquency. Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof.

SEC. 3. Section 2916 of said code is amended to read:

2916. Notice of the time and place of sale shall be given at least one week before the sale by publication in a newspaper in the county, or by posting in three public places. In the event that it is necessary to continue the sale to a later date, notice shall be given as provided above. Notice of sale

---

CHAPTER 754

An act to amend Section 1469 of, and to add Section 1473 to the Fish and Game Code, and amend Section 1350 of and add Section 1354 to, the Fish and Game Code as proposed by Assembly Bill 616, relating to wildlife projects, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1469 of the Fish and Game Code is amended to read:

1469. The department shall, when authorized by the board, construct in accordance with law such facilities as are suitable for the purpose for which the lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the department. Construction, maintenance, etc., of facilities

The department, with the approval of the Department of Finance, may enter into agreements with any other department or agency of this State, a county, city, public corporation, or public district of this State, to provide for the construction, management or maintenance of the facilities authorized by the board, and such other department or agency of this State, county, city, public corporation, or public district are, and each of them is, hereby authorized to construct, manage, or maintain such facilities pursuant to such agreement. Work performed by a county, city, public corporation, or public district under such agreements shall be exempt from the provisions of Chapter 3 (commencing at Section 14250), Part 5, Division 3, Title 2 of the Government Code; provided, however, that nothing in this section shall be construed to exempt any work from the provisions of Division 2, Part 7, of the Labor Code.

SEC. 2. Section 1473 is added to said code, to read:

1473. The board may authorize the acquisition of such lands or rights in land as may be necessary for the purpose of furnishing public access to lands or waters open to the public for fishing, hunting and shooting. The board may authorize such acquisition by the department. Acquisition of lands etc.

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

The Department of Fish and Game has lands and rights in land and water which can, with construction, management, and maintenance of the facilities contemplated by this act, be made more useful in providing the public with fishing, hunting, and shooting, and in preserving the wildlife of this State. There are lands open to the public for fishing, hunting, and shooting, which are without public access. Delay in providing for the facilities contemplated by this act and delay in acquisition of the rights of way contemplated by this act, is wasteful of the wildlife resources of this State and would needlessly deny recreational opportunities to its citizens. Immediate effectiveness of this act will permit establishment of needed facilities and acquisition of necessary rights of way before the ensuing hunting and fishing seasons.

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch. 456

SEC. 6. Sections 4 and 5 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 1469 and 1473 of the Fish and Game Code adopted in 1933 are repealed.

CHAPTER 755

An act to add Section 6305 to the Government Code, relating to harbors and commerce.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6305 is added to the Government Code, to read:

6305. If authorized to establish, operate and maintain a foreign trade zone, a public corporation may, in addition to its other powers:

(a) Provide for such indemnity or assurance to the United States or its agencies as they may request.

(b) Deposit such sums of money with the United States as the United States or its agencies may request, providing such money is available therefor by direct appropriation or otherwise.

CHAPTER 756

An act to amend Section 70045.5 of the Government Code, relating to phonographic reporters.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 70045.5 of the Government Code is amended to read:

70045.5. Notwithstanding the provisions of Section 70045, in any county having a population of 55,000 and not over 60,000, as determined by the 1940 federal census, each regular official reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200).

CHAPTER 757

An act to amend Section 24050 of the Business and Professions Code, relating to alcoholic beverage licenses.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24050 of the Business and Professions Code is amended to read:

24050. Any individual who held a license on December 7, 1941, and whose license was thereafter revoked because of the Japanese ancestry of the licensee, or was surrendered or permitted to expire by the Japanese licensee, may at any time within six months after September 22, 1951, file an application for a similar license, and the department shall issue the license subject to the conditions hereinafter imposed upon the payment of the current fee therefor. Any such person who was unable to file an application for a license similar to the one which was revoked within the time specified in the preceding sentence due to his absence from the United States during such time may, at any time before March 1, 1958, file an application for a similar license, and the department shall issue the license subject to the conditions hereinafter imposed upon the payment of the current annual fee therefor, subject to any quarterly reduction applicable, less a credit for a portion of the annual fee last paid by such person, which portion shall be based upon the number of full quarters remaining in such year after the revocation of his license. The provisions of Section 23954.5 and Article 2 (commencing at Section 23815) of Chapter 5 of this division shall not apply to licenses issued to such persons. No license shall be issued pursuant to this section to a person who is not qualified to hold a license at the time of

filing his application, and the issuance of the license shall be subject to the approval of the department and other provisions of this division. The acceptance of a license issued pursuant to this section shall constitute a release of any and all claims for damages, if any there be, which the person to whom the license is issued may have against the State by reason of the revocation, cancellation, or expiration of any license previously issued to or held by such person. No license issued pursuant to this section or interest therein shall be subject to transfer by the person to whom issued to any other transferee for a period of one year and the license may thereafter be transferred only if the individual to whom it has been issued has during the year as sole owner conducted the business operated under the license and personally, unless prevented by causes beyond his control, worked in the actual operation of the business.

CHAPTER 758

An act to amend Section 19210 of the Streets and Highways Code, relating to highway lighting districts.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

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 Territory in the same county whether contiguous or not may be annexed to a highway lighting district. 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 759

An act to add Chapter 18 to Part 4 of Division 14 of the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor June 7, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 18 is added to Part 4 of Division 14 of the Streets and Highways Code, to read:

CHAPTER 18. CONSOLIDATION

Consolidation of districts

19320. At any time after the establishment of two or more districts in any county, the board of supervisors may determine that any two or more of such districts which contain similar type lighting systems, whether or not they are contiguous, should be consolidated

Hearing

19321. 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.

Notice

19322. The notice shall be headed "Notice of the proposed consolidation of _____ Highway Lighting District and _____ Highway Lighting 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.

19323. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

19324. 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 of board

19325. 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.

19326. 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

19327. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated.

CHAPTER 760

An act to amend Sections 14401 and 14549 of the Health and Safety Code, relating to county fire protection districts.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14549 of the Health and Safety Code is amended to read:

Withdrawal of territory

14549. Upon the withdrawal of any territory of a district, by inclusion within a city, 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. All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

SEC. 2. Section 14401 of the Health and Safety Code is amended to read:

Inclusion of cities

14401. Any city or any portion thereof 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.

CHAPTER 761

An act to amend Sections 20904, 20921, 20922, 20924, 20942, 20943, 20944, 20946, and 20947 of the Education Code, relating to the supervision of the California School for the Blind.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20904 of the Education Code is amended to read:

20904. The State Department of Education in relation to the California School for the Blind shall: Duties

(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. 2. Section 20921 of said code is amended to read:

20921. The superintendent of the school shall have had not less than three years' experience in the art of teaching the blind and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State. School superintendent Qualifications

SEC. 3. Section 20922 of said code is amended to read:

20922. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education. Powers and duties

SEC. 4. Section 20924 of said code is amended to read:

20924. There is hereby created at the California School for the Blind the position of field worker to be appointed by the superintendent of the school with the approval of the Superintendent of Public Instruction and the State Director of Education. The field worker shall be a member of the teaching staff of the California School for the Blind and shall receive a salary fixed and payable in accordance with law. Field worker

The field worker shall visit graduates and former pupils of the school in their homes to advise them regarding the extension and continuance of their education, to assist them in securing remunerative employment, to improve their economic condition in all possible ways, and to provide them with preparatory instruction found necessary for a selected occupation. The field worker shall be a person who has had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

SEC. 5. Section 20942 of said code is amended to read:

20942. 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 Support

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 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 20943 of said code is amended to read:

20943. 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 on providing the service for the child in an emergency, the court shall not issue the certification, 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 20944 of said code is amended to read:

Suit

20944. 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 20946 of said code is amended to read:

Expense advanced by State Department of Education

20946. The certificate shall be presented to the superintendent of the school and the superintendent when the certificate shows 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, shall clothe the child and provide the transportation, 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. 9. Section 20947 of said code is amended to read:

20947 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, and 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. Claim

CHAPTER 762

An act to amend Section 20800 of the Education Code, relating to expenses of deaf students attending college.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20800 of the Education Code is amended to read:

20800. The Department of Education is authorized to pay, from funds made available for such purpose, expenses of any deaf student attending Gallaudet College at Washington, D. C., on a scholarship from such college, who is a graduate of the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, or a high school in California or who has been a resident of California for at least two years and has been enrolled in or is attending a public or private college or university in California.

CHAPTER 763

An act to amend Section 14131 of the Education Code, relating to school district merit systems for noncertificated employees.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14131 of the Education Code is amended to read:

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 10 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.

CHAPTER 764

An act to amend Section 34278 of the Health and Safety Code, relating to housing authorities.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 34278 of the Health and Safety Code is amended to read:

34278. An authority shall select from among its commissioners a vice chairman. It also may employ a secretary, who shall be executive director, technical experts, and such other officers, agents, and employees as it requires, and shall determine their qualifications, duties, terms of employment and compensation.

CHAPTER 765

An act to amend Section 36509 of the Government Code, relating to city offices.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 36509 of the Government Code is amended to read:

36509. The question shall be printed on the ballots used at the election substantially in one of the following forms:

(a) "Shall the offices of city clerk and city treasurer be appointive?"; or

(b) "Shall the office of city clerk be appointive?"; or

(c) "Shall the office of city treasurer be appointive?"

The words "yes" and "no" shall be so printed on the ballots that the voters may express their choice.

CHAPTER 766

An act to add Article 1.5 (commencing with Section 17520) to Chapter 1, Part 3, Division 7 of the Business and Professions Code, relating to products made by the blind.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 17520) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 1.5. Labeling of Products Made by the Blind

17520. Any misrepresentation that goods offered for sale are the products of blind workers is hereby directed to be a special matter of state-wide concern. Misrepresentation

17521. As used in this article:

(a) "Blind" means a person having central visual acuity not to exceed 20-200 in the better eye, with corrected lenses, or visual acuity greater than 20-200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees. "Blind"

(b) "Direct labor" means all work required for the preparation, processing, assembling, and packing, but not including supervision, administration, inspection, and shipping. "Direct labor"

17522. No goods or articles which are determined by label, symbol, trade name, or name of the manufacturer to indicate that they are made by blind workers shall be delivered or Sale

offered by any person, partnership, firm, corporation, institution, or association, for sale in this State unless at least 75 percent of the total hours of direct labor of producing such goods or articles purported to be made by the blind shall have been performed by the blind. No goods or articles which do not have a label, symbol, or other printed matter indicating that at least 75 percent of the total hours of direct labor of producing such goods or articles were made by the blind, as herein defined, shall be offered for sale directly or indirectly as being made by the blind unless such goods or articles were in fact so made by the blind as herein defined.

Violation

Any violation of this section is a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or imprisonment in the county jail for not more than one year, or by both the fine and imprisonment, and any such violation or threatened violation shall be actionable under Section 17535 of this chapter.

Authority to mark

17523. Any blind workman, who is a citizen or resident of this State, or any institution, public or private, corporation, partnership, and association engaged within this State in the manufacture, sale, or distribution of articles or merchandise, made, manufactured, or fabricated by blind workmen is authorized to imprint or stamp upon such articles or merchandise or affix thereto, labels containing the words "made by a blind workman," or "made by the blind," or "blind-made," if not less than 75 percent of the total hours of direct labor of producing said products have been performed by a blind workman. Such labels, shall also have the place of manufacture on them and, if desired, the name of the particular workman who made, manufactured, or fabricated the article.

CHAPTER 767

An act to amend Sections 221 and 222 of, and to add Section 221.5 to, the Vehicle Code, relating to motor vehicles.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1 Section 221 of the Vehicle Code is amended to read:

Theft

221. Reports to California Highway Patrol. The owner or legal owner of a vehicle registered hereunder which has been stolen or embezzled may notify the Department of the California Highway Patrol of such theft or embezzlement but in the event of an embezzlement may make such report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement.

Every owner or legal owner who has given any such notice must notify the Department of the California Highway Patrol of a recovery of such vehicle.

SEC. 2. Section 222 of said code is amended to read:

Notices by department

222. Action by Department of Motor Vehicles. The Department of Motor Vehicles upon receiving a report of a stolen or embezzled vehicle as hereinbefore provided shall place an appropriate notice in the engine or vehicle identification and license number files, which notice shall remain in such files until such time as the Department of Motor Vehicles is notified by the Department of the California Highway Patrol that such vehicle has been recovered.

(a) Upon the transfer of registration of a vehicle reported as stolen or embezzled as provided herein, the Department of Motor Vehicles shall immediately notify the reporting agency of such fact.

(b) A report of a stolen or embezzled vehicle is effective for a period of not less than one year from the date first reported or longer as the Department of Motor Vehicles may determine.

SEC. 3. Section 221.5 is added to the Vehicle Code, to read:

221.5. Notice to Department of Motor Vehicles. The Department of the California Highway Patrol upon receiving notice under this article that a vehicle has been stolen or embezzled, or that a vehicle reported stolen or embezzled has been recovered, shall notify the Department of Motor Vehicles of such reported theft, embezzlement or recovery.

CHAPTER 768

An act to add Section 643 to the Vehicle Code, relating to reflectors on vehicles.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 643 is added to the Vehicle Code, to read:

643. Reflectors on Front and Sides of Vehicles. (a) Any vehicle may be equipped with white or amber reflectors upon the front, amber reflectors on the sides near the front and red reflectors on the sides near the rear.

(b) Such reflectors shall be of a type approved by the department and shall be mounted at a height not less than 16 inches nor more than 60 inches.

CHAPTER 769

An act to add Section 645.5 to the Vehicle Code, relating to equipment on motor vehicles.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 645.5 is added to the Vehicle Code, to read:

645.5. Lamps and Devices Required to be Maintained. All required lamps and lighting devices installed on a vehicle shall at all times be maintained in good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

CHAPTER 770

An act to amend Section 140 of the Vehicle Code, relating to registration requirement of a vehicle.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 140 of the Vehicle Code is amended to read:

140. Misdemeanor to Violate Registration Requirements. It is a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid as required hereunder, subject to such exceptions as are stated in this code.

This section does not apply:

(a) To the moving or operating of a vehicle not previously registered from a dealer's, distributor's, or manufacturer's place of business to a place where essential parts of the vehicle are to be altered or supplied.

(b) To the transportation of a vehicle upon a highway when no part of such vehicle is in contact with the highway.

(c) To the moving of a vehicle from a place of storage to another place of storage within a radius of 100 miles.

(d) To the moving of a vehicle which has been disabled as the result of an accident, for the purpose of repairs.

(e) To the moving or operating of a vehicle for the purpose of dismantling or wrecking the same and permanently removing it from the highways.

No vehicle shall be operated under the provisions of paragraph (a), (c), (d) or (e) except under a special permit issued by the department.

CHAPTER 771

An act to amend Section 5853 of the Streets and Highways Code, relating to county maintenance districts.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5853 of the Streets and Highways Code is amended to read:

5853. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall continue to remain a part of the district for all purposes until a copy of a resolution adopted by the city requesting exclusion of such territory from the district is received by the board of supervisors. 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 amounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

CHAPTER 772

An act to amend Section 4901 of the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4901 of the Health and Safety Code is amended to read:

4901. If the territory annexed to the district comprises a portion of another district formed under the provisions of this chapter, or under the provisions of Chapter 26 (commencing at Section 5820), Part 3, Division 7 of the Streets and Highways Code, upon the annexation becoming complete the territory shall thereupon be withdrawn from the district of which it theretofore formed a part.

CHAPTER 773

An act to amend Section 675 5 of the Vehicle Code, relating to safety glass on motor vehicles.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 675.5 of the Vehicle Code is amended to read:

675 5. Safety Glass Required. (a) No person shall sell or operate any motor vehicle, except motorcycles and motor-driven cycles, manufactured after January 1, 1936, unless such motor vehicle is equipped with safety glass of a type approved by the department wherever glass or glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

(b) The term "safety glass," as used in this code, shall be construed as meaning glass, or glazing material so manufactured, fabricated, or treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass or glazing material when the same is cracked or broken.

(c) The department shall establish specifications or requirements for approved safety glass and such specifications or requirements shall not be lower in standard than those specifications or requirements for safety glass established by the American Standards Association for Glazing in Motor Vehicles and shall maintain a list of approved types of safety glass.

(d) It shall be a misdemeanor for any person to replace any glass or glazing materials used in partitions, doors, windows, windshield or wind deflectors in any motor vehicle with any material other than safety glass of a type approved by the department.

(e) On motorcycles or motor-driven cycles the glazing material shall be either approved safety glass or a clear plastic which need not be of an approved type.

CHAPTER 774

An act to add Section 7556 to the Education Code, relating to canceling remaining authorization to issue and sell school district bonds.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7556 is added to the Education Code, to read:

7556. The governing board of any school district may petition the board of supervisors to cancel the remaining

authorization of that district to issue and sell bonds resulting from any particular school bond election after the sale of at least ninety percent (90%) of the bonds authorized at such election where the amount of such remaining authorization is not more than twenty-five thousand dollars ($25,000) and in the opinion of the governing board the sale of the remaining bonds would not be economically justified. The provisions of Sections 7552 and 7553 of this article shall be applicable and at or following the hearing therein provided for, the board of supervisors, if it determines that the public interest will be served thereby, may make and enter an order in the minutes of its proceedings that the remaining authorization be canceled. Upon the entry of the order the vote by which the remaining authorization was created shall cease to be of any validity with respect to such remaining authorization.

CHAPTER 775

An act to add Section 377 to the Education Code, relating to the county superintendent of schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 377 is added to the Education Code, to read:

377. The county superintendent of schools, with the approval of the county board of education, may enter into an agreement with the governing board of any school district under his jurisdiction, to provide for the use by the district of audio-visual equipment and apparatus. The county superintendent of schools is authorized to acquire by purchase, lease, or any other means the equipment and apparatus necessary to provide the service, and to establish facilities for maintaining and servicing such equipment, and for its distribution to school districts. The title to all equipment and apparatus acquired by the county superintendent of schools under this section shall be vested in the office of the county superintendent of schools. Agreement for use of audio-visual equipment

The agreement shall, among other matters, provide for the amount of the payment to be made by the district to the county superintendent of schools, and the time the payments shall be made. The payments made by all districts that have entered into an agreement with the county superintendent of schools under this section shall not exceed the costs of rendering the service. The costs may include any expense necessary to carry out the provisions of this section.

The governing board of a school district may withdraw from an agreement by giving notice six months prior to the

beginning of the next fiscal year, and the agreement shall terminate on the last day of the then current fiscal year. The terms of an agreement may be changed by mutual consent at any time.

The county superintendent of schools shall transfer the amounts agreed upon, at the time or times agreed upon, from the general fund of the district to the special equipment and apparatus fund of the county superintendent of schools, which fund is hereby authorized. All funds received for the purposes of this section shall be deposited in said fund, and all expenditures made for the purposes of this section shall be made from the fund.

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:

In order for the county superintendent of schools to supply the service requested by school districts and to make this service, which was previously available through the county school service fund of the county superintendent of schools, available during the 1956-57 Fiscal Year and thereafter, it is necessary that these provisions become effective immediately.

CHAPTER 776

An act to amend Section 17700 of the Business and Professions Code, relating to premium coupons.

In effect September 11, 1957

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 17700 of the Business and Professions Code is amended to read:

17700. As used in this chapter:

(a) "Coupon" includes certificates, cards, package labels, wrappers, can covers, bottle caps or other and similar devices, which entitle the person holding or delivering or surrendering them to have them exchanged for or redeemed in goods, wares, merchandise, or services of any kind free of charge or for less than the retail price of such goods, wares, merchandise, or services.

(b) "Person" includes persons, firm, firms, corporation and corporations.

(c) "Issue" includes use, distribute, give away, sell and furnish.

CHAPTER 777

An act to add Section 514.5 to the Vehicle Code, relating to speed limits.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 514.5 is added to the Vehicle Code, to read:

514.5. Decreasing Truck Speed Limit. Whenever the Department of Public Works determines upon the basis of engineering and vehicle equipment studies and a traffic survey that the speed of 45 miles per hour is more than is reasonable or safe for vehicles mentioned in Section 515 in descending a grade upon any portion of a state highway, the department may determine and declare a speed limit of 40, 35, 30, 25 or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon said highway.

CHAPTER 778

An act to amend Section 1065 of the Fish and Game Code, and Sections 8151 and 8152 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to sardines, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1957. Filed with Secretary of State June 3, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1065 of the Fish and Game Code is amended to read:

1065. Sardines may be taken for use in a reduction plant, or by a packer, only in accordance with the provisions of this article, as follows: in Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and December 31st, inclusive; elsewhere in the State, except in Districts 19A and 20, between August 1st and December 31st. Sardines may be taken at any time on or after but not prior to June 1, 1959, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight; provided, that in a 10-ounce can, fish of a size not less than eight fish to the can may be used. Sardines may be packed in their own natural oil. When sardines may be taken

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The sardine fishery is among the State's most important fishery industries, contributing importantly to the wealth and prosperity of the people, providing a valuable food source, important by-products and contributing to recreational fishing. Indications are that these fish have or may become scarce, causing distress to the industry Maintenance of this fishery at a high level of productivity is essential to the well-being of the State's industry including recreational fishing. In order to provide for the regulation of the 1957 fishery during the summer, it will be necessary for this act to be in effect on June 1, 1957.

NOTE The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 1065 of the Fish and Game Code adopted in 1933, is repealed.

CHAPTER 779

An act to add Section 538e to the Penal Code, relating to fraudulent personation of fireman.

In effect September 11, 1957

[Approved by Governor June 4, 1957. Filed with Secretary of State June 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 538e is added to the Penal Code, to read:

538e. Any person, other than an officer or member of a fire department, who wilfully wears, exhibits, or uses the authorized badge, insigne, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently personating an officer or member of a fire department or the office of the State Fire Marshal, or of fraudulently inducing the belief that he is an officer or member of a fire department or the Office of the State Fire Marshal, is guilty of a misdemeanor.

Any person who wilfully wears, exhibits, or uses any badge, insigne, emblem, device, or any label, certificate, card, or writing, which falsely purports to be for the use of an officer or member of a fire department or deputy state fire marshal, or

which so resembles the authorized badge, insigne, emblem, device, label, certificate, card, or writing of an officer or member of a fire department as would deceive an ordinary reasonable person into believing that it is authorized for use by an officer or member of a fire department or a deputy state fire marshal, is guilty of a misdemeanor.

CHAPTER 780

An act to add Sections 35253.1, 35253.2, 35253.3 and 35253.4 to the Streets and Highways Code and to amend Sections 35251 and 35252 of said code, relating to the Parking District Law of 1951 and the formation of parking districts thereunder.

[Approved by Governor June 4, 1957. Filed with Secretary of State June 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 35252 of the Streets and Highways Code is amended to read:

35252. The petition shall be filed in the office of the clerk of the legislative body. Petition

SEC. 2. Section 35253.1 is added to said code, to read:

35253.1. If the petition is not signed by the requisite number of qualified signers, the clerk shall certify to the legislative body that said petition is insufficient. If the petition is insufficient, supplemental petitions may be filed within three months from the date of the certificate of insufficiency, or such additional period as the legislative body may allow, not to exceed six months from the date of the first certificate of insufficiency.

SEC. 3. Section 35253.2 is added to said code, to read:

35253.2. The clerk shall certify the sufficiency of the petition and any supplemental petitions to the legislative body, if the petition, together with supplemental petitions if any, shall be signed by the requisite number of signers as shown by the last equalized assessment roll upon the date of said certificate. Such certification shall be conclusive as to the sufficiency of the petition. Notice

SEC. 4. Section 35253.3 is added to said code, to read:

35253.3. If any person shown on the last equalized assessment roll to be the owner of land within the proposed district shall be unable to sign by reason of legal disability or shall cease to be the owner of all or any part of such land before the petition or supplemental petition shall have been filed with the clerk, said petition or supplemental petition may be signed by the legal representative (as hereinafter designated) or other successor in interest of said owner. All petitions signed by a person other than said owner shall be accompanied by written evidence, satisfactory to the clerk, that the signer Signature by legal representative, etc

(a) In the case of a legal representative, is the duly appointed guardian, executor or administrator of the estate of said owner, or

(b) In the case of other successors in interest, is the holder of legal title to, or has the beneficial ownership in, said land.

SEC. 5. Section 35253.4 is added to said code, to read:

Assessment of land value

35253.4. If the assessed value of any parcel of land, and any improvements thereon, is not shown or separately shown upon the assessment roll, upon request of the clerk, the assessor shall estimate the assessed value of such parcel and any improvements thereon, and such estimate for the purpose of certifying said petition shall be considered the assessed value of such parcel, and any improvements thereon.

SEC. 6. Section 35251 of said code is amended to read:

Petition

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.

(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.

CHAPTER 781

An act to add Sections 31569.2 and 31770.1 to the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1957. Filed with Secretary of State June 5, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 31569.2 is added to the Streets and Highways Code, to read:

31569.2. Notwithstanding the provisions of Sections 31569 and 31569.1, the county assessment roll used for the purpose of applying the limitations provided in said sections shall be the last equalized county assessment roll at the date the assessment is confirmed, or at the date the proposed assessment is filed with the clerk of the legislative body, or at the date of the filing of the original petition, whichever is the highest.

County assessment roll

SEC. 2. Section 31770.1 is added to said code, to read:

31770.1. At its discretion, the legislative body of any city may, by ordinance, provide for the appointment, qualifications, terms of office and number of members of parking place commissioners for such city. Such board shall have all of the powers and duties of parking place commissioners appointed under this part. Such board, so appointed, may be an existing board created by city charter or ordinance or a new board created by ordinance. Such board may act for all vehicle parking districts established within said city under this part.

Commissioners

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

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, financing, and placing in operation of parking districts to provide parking places in such congested areas and it is therefore necessary that this act take effect immediately.

CHAPTER 782

An act to amend Section 28116 of the Government Code, and Section 416 of the Education Code, relating to salaries of officers.

In effect September 11, 1957

[Approved by Governor June 4, 1957. Filed with Secretary of State June 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28116 of the Government Code is amended to read:

Monterey County Compensation

28116. In a county of the sixteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, eight thousand four hundred dollars ($8,400) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500) a year for his full time services. He shall not engage in private practice of the law.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year, and the necessary and actual expenses incurred in the performance of the duties of his office. The chairman of the board of supervisors shall receive, as additional compensation six hundred dollars ($600) a year for services rendered as chairman.

(d) Grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts, jurors shall receive for each day's attendance five dollars ($5). Grand jurors and trial jurors shall receive fourteen cents ($0.14) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 2. Section 416 of the Education Code is amended to read:

416. The annual salary of the county superintendent of schools of a county of the sixteenth class is twelve thousand dollars ($12,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 783

An act to amend Section 18250, Article 1, Chapter 4, Part 2, Division 13 of the Health and Safety Code, relating to parking trailer coaches in trailer parks and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1957. Filed with Secretary of State June 5, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 18250 of the Health and Safety Code is amended to read:

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: Prohibition

(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 Vehicle Code. A trailer coach which may be moved under special permit as provided for in the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(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. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety Urgency

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 710 of the California Vehicle Code grants the State Department of Public Works with respect to highways under its jurisdiction authority to issue permits for the movement of vehicles exceeding the size, weight or load specified in the code. Under a ruling by the State Highway Engineer, dated December 10, 1956, (File No. 000.400/RBM—Subject: Overwidth House Trailer Policy) it will be in order to allow towing of overwidth house trailers in lieu of hauling within the local 50-mile hauling area on a single move basis. Amendment of this section of the Health and Safety Code will now make legal the hundreds of overwidth trailer coaches now parked in trailer parks, and heretofore considered to be in technical violation of the Health and Safety Code.

CHAPTER 784

An act to amend Section 28147 of the Government Code, relating to compensation for public service in counties of the forty-seventh class.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28147 of the Government Code is amended to read:

28147. In a county of the forty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year for his services. He may engage in the private practice of law.

(c) Each supervisor, three thousand dollars ($3,000) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

CHAPTER 785

An act to amend Section 1552.4 of the Welfare and Institutions Code, relating to the location and prosecution of parents of abandoned children.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1552.4 of the Welfare and Institutions Code is amended to read:

1552.4. The board of supervisors shall immediately notify the district attorney of the county, or the city prosecutor of any city to whom the duty of prosecuting such parent has been delegated, whenever aid is granted to a child who is not being supported by a parent unless it is definitely established that the parent is financially incapable of providing such support.

In all cases in which the whereabouts of the parent is unknown, the county welfare department shall refer the applicant to the district attorney, or the city prosecutor of any city to whom the duty of prosecuting such parent has been delegated, at the time the application for assistance is signed, irrespective of whether or not it is definitely established that the parent is financially incapable of supporting the child in whose behalf the application is being made. Upon the advice of the county welfare department that a child is being considered for adoption, the district attorney shall delay action with respect to the case until advised that the adoption is no longer pending.

The county welfare department shall cooperate with the district attorney or the city prosecutor of any city to whom the duty of prosecuting such parent has been delegated and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

The district attorney, or the city prosecutor of any city to whom the duty of prosecuting such parent has been delegated, shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. The granting of aid to the applicant shall not be delayed or contingent upon such investigation by the district attorney or such city prosecutor. The district attorney or the city prosecutor shall report regularly to the board of supervisors on the progress of his efforts.

CHAPTER 786

An act to amend Section 5901 of the Elections Code, relating to absent voter ballots.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5901 of the Elections Code is amended to read:

5901. Not more than 20 nor less than five days before any election any voter who expects to be absent from his election precinct or unable to vote therein on the day of such election may file, either in person or by mail, his written application with the clerk where he resides for an absent voter's ballot. The application shall be signed by the applicant, shall show his place of residence, and shall make clear to the clerk the applicant's right to a ballot.

Applications received by the clerk under this section on or after the sixtieth day but prior to the twentieth day before election shall not be returned to the sender but shall be held by the clerk and processed by him following the twentieth day prior to election in the same manner as if received at that time.

CHAPTER 787

An act to amend Sections 21702, 21703, 21706 and 21716 of, and to add Sections 21703.1, 21709.1 and 21709.2 to, the Education Code, relating to competitive scholarships and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21702 of the Education Code is amended to read:

Eligibility

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. This age limitation does not apply in the case of renewed scholarship awards.

(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.

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 2. Section 21703 of said code is amended to read:

Distribution

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.

No award shall be canceled because of change of residence of an award winner within the State.

SEC. 3. Section 21703.1 is added to said code, to read:

Scholarships at large, etc

21703.1. When any scholarship available for a district is not awarded because of a lack of qualified applicants in that district, such district scholarship shall be awarded in that year as a scholarship at large; and in the following year an additional scholarship shall be made available to that district and the number of scholarships at large shall be reduced by one.

SEC. 4. Section 21706 of said code is amended to read:

State Scholarship Commission 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 which includes at least one secondary school.

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.

SEC. 5. Section 21709.1 is added to said code, to read:

Executive secretary

21709.1. The State Scholarship Commission shall appoint an executive secretary who shall be the chief executive officer for the commission, and shall serve at the pleasure of the commission. The Legislature hereby requests the State Scholarship Commission to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution.

Other employees

The commission may employ such other employees as it deems necessary to carry out its functions under this chapter.

SEC. 6. Section 21709.2 is added to said code, to read:

Cooperation

21709.2. The State Scholarship Commission may cooperate with, assist, and stimulate interest in other scholarship programs which have as an objective the assistance of qualified youth to completion of courses in higher education. The commission may assist in the selection of qualified applicants and may assist interested groups of citizens, foundations, and other agencies in the administration of scholarship awards.

SEC. 7. Section 21716 of said code is amended to read:

Termination date

21716. The provisions of this chapter shall remain in effect until July 1, 1962, and thereafter shall have no further force or effect.

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. The facts constituting such necessity are:

Under existing law scholarships are awarded to qualified applicants on the basis of the results of competitive examinations and may be renewed annually to current award winners who are making satisfactory academic progress until completion of their undergraduate higher education study. Existing law, however, prohibits the granting of such awards to persons who have attained their twenty-fourth birthday, whether an original award or a renewal thereof. Many applicants have been awarded scholarships on the basis of such competitive examinations prior to their twenty-fourth birthday and are making satisfactory academic achievement but will reach their twenty-fourth birthday prior to completion of their undergraduate study. In order that such award winners may be granted renewals for the completion of their academic study, it is necessary that this act go into effect immediately.

CHAPTER 788

An act to add Sections 17117.5 and 24273.5 to the Revenue and Taxation Code, relating to the personal income and bank and corporation taxes.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 17117.5 is added to the Revenue and Taxation Code, to read:

17117.5. (a) Noncash patronage allocations from farmers' cooperative and mutual associations (whether paid in capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice or in some other manner that discloses the dollar amount of such noncash patronage allocations) may, at the election of the taxpayer, be considered as income and included in gross income for the taxable year in which received. Noncash patronage allocations

(b) If a taxpayer exercises the election provided for in subdivision (a), the amount included in gross income shall be the face amount of such allocations.

(c) If a taxpayer elects to exclude noncash patronage allocations from gross income for the taxable year in which received, such allocations shall be included in gross income in the year that they are redeemed or realized upon.

(d) If a taxpayer exercises the election provided for in subdivision (c), the face amount of such noncash patronage allocations shall be disclosed in the return made for the taxable year in which such noncash patronage allocations were received.

(e) If a taxpayer exercises the election provided for in subdivision (a) or (c) for any taxable year, then the method of computing income so adopted shall be adhered to with respect to all subsequent taxable years unless with the approval of the Franchise Tax Board a change to a different method is authorized.

(f) If a taxpayer has made the election provided for in subdivision (c), then (1) the statutory period for the assessment of a deficiency for any taxable year in which the amount of any noncash patronage allocations are realized shall not expire prior to the expiration of four years from the date the Franchise Tax Board is notified by the taxpayer (in such manner as the Franchise Tax Board may by regulation prescribe) of the realization of gain on such allocations; and (2) such deficiency may be assessed prior to the expiration of such four-year period, notwithstanding the provisions of Section 18586 or the provisions of any other law or rule of law which would otherwise prevent such assessment.

SEC. 2. Section 24273.5 is added to said code, to read:

24273.5. (a) Noncash patronage allocations from farmers' cooperative and mutual associations (whether paid in capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice or in some other manner that discloses the dollar amount of such noncash patronage allocations) may, at the election of the taxpayer, be considered as income and included in gross income for the income year in which received.

(b) If a taxpayer exercises the election provided for in subdivision (a), the amount included in gross income shall be the face amount of such allocations.

(c) If a taxpayer elects to exclude noncash patronage allocations from gross income for the income year in which received, such allocations shall be included in gross income in the year that they are redeemed or realized upon.

(d) If a taxpayer exercises the election provided for in subdivision (c), the face amount of such noncash patronage allocations shall be disclosed in the return made for the income year in which such noncash patronage allocations were received.

(e) If a taxpayer exercises the election provided for in subdivision (a) or (c) for any income year, then the method of computing income so adopted shall be adhered to with respect to all subsequent income years unless with the approval of the Franchise Tax Board a change to a different method is authorized.

(f) If a taxpayer has made the election provided for in subdivision (c), then (1) the statutory period for the assessment of a deficiency for any income year in which the amount of any noncash patronage allocations are realized shall not expire prior to the expiration of four years from the date the Franchise Tax Board is notified by the taxpayer (in such manner as the Franchise Tax Board may by regulation prescribe) of the realization of gain on such allocations; and (2) such deficiency may be assessed prior to the expiration of such four-year period, notwithstanding the provisions of Section 25663 or the provisions of any other law or rule of law which would otherwise prevent such assessment.

CHAPTER 789

An act to amend Section 28132 of the Government Code, relating to compensation for public services in counties of the thirty-second class.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28132 of the Government Code is amended to read:

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: Mendocino County Compensation

(a) The auditor, nine thousand two hundred dollars ($9,200) a year.

(b) The district attorney, twelve thousand dollars ($12,000) 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, six thousand dollars ($6,000) 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 790

An act to amend Section 4533, and repeal Section 4534 of the Elections Code, relating to campaign statements.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4533 of the Elections Code is amended to read:

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, and one copy with the clerk of the county in which the candidate resides.

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.

SEC. 2. Section 4534 of said Code is repealed.

CHAPTER 791

An act conveying certain tidelands and lands lying under inland navigable waters, situate in San Francisco Bay, to the City of Sausalito, for public purposes and benefits, and providing for the government, management and control thereof, reserving rights to the State; and in connection therewith repealing Chapter 913 of the Statutes of 1951 and Chapter 534 of the Statutes of 1953.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 913 of the Statutes of 1951 and Chapter 534 of the Statutes of 1953 are repealed.

SEC. 2. There is hereby granted and conveyed to the City of Sausalito, County of Marin, all of the right, title, and interest of the State of California, held by virtue of its sovereignty, in and to all tidelands and submerged lands of San Francisco Bay, whether filled or unfilled, situated and lying within the boundaries of the incorporated area of said city, as such boundaries exist on the effective date of this act, 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:

(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 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.

(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 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.

(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.

(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.

(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.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the 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.

SEC. 3. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of Marin 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 granted by 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.

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 792

An act to amend Section 2270 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2270 of the Health and Safety Code is amended to read:

2270. The district board may:

Powers

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(e) Make contracts to idemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money in any fiscal year and repay it in the same or in the next ensuing fiscal year. The amount borrowed in any fiscal year is not to exceed fifteen cents ($0.15) in each one hundred dollars ($100) of assessed valuation of property in the district.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 percent per year, payable annually or semiannually as the board may prescribe.

(j) Provide a civil service system for any or all employees of the district.

(k) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

CHAPTER 793

An act to add Chapter 4 to Part 2, Division 1, Title 5, of the Government Code, relating to the collection of special assessments.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 is added to Part 2, Division 1, Title 5, of the Government Code, to read:

CHAPTER 4. SPECIAL ASSESSMENTS

Article 1. Collection of Special Assessments by County Officer

51800. Where the duties of assessing property and collecting city taxes are performed for a city by the county assessor and the county tax collector in a manner provided by law, cities and counties may enter into an agreement whereby special assessments may be collected at the same time and in the same manner as county taxes are collected and all laws applicable to the levy, collection and enforcement of county taxes shall be and are hereby made applicable to such special assessments. The amount of the compensation to be paid a county for the collection of such assessments shall be provided for in the agreement.

CHAPTER 794

An act to add Section 25921 to the Government Code, relating to the authority of boards of supervisors to sell or exchange products of an arboretum.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 25921 is added to the Government Code, to read:

25921. The board of supervisors may sell at a price not less than the county's estimated cost, surplus plants, shrubs, flowers, trees, and vegetation, and their seeds or products produced at a county arboretum. The board may also exchange such materials for other materials of approximately the same value with any person, entity, political entity, or nation, or may distribute such materials without charge to any person, entity or political entity in this State for the purpose of testing such materials under conditions not obtainable at the county arboretum, if in the discretion of the board of supervisors such exchange or testing will benefit the arboretum or facilitate the accomplishment of the purposes specified in Section 25920. No such plant, shrub, flower, tree, seed or their product may be sold if such plant, shrub, flower, tree, seed or their product is available commercially within the State of California.

CHAPTER 795

An act to amend Section 462 of the Public Utilities Code, relating to common carrier fares.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 462 of the Public Utilities Code is amended to read:

462 Every street or interurban railroad corporation shall upon such terms as the commission finds to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city or city and county not reached by the originating car.

CHAPTER 796

An act to amend Sections 9501, 9561, 9580, 9625, and 9626, and the heading of Article 2 (commencing with Section 9625) of Chapter 5 of Part 5, of Division 8 of, to add Section 9511.1 to, and to add Article 3 (commencing with Section 9650) to Chapter 5 of Part 5 of Division 8 of, the Health and Safety Code, relating to community and private mausoleums and columbariums, the construction thereof, and matters incidental thereto.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 9501 of the Health and Safety Code is amended to read.

9501. This part shall be known and may be cited as the Private and Community Mausoleum and Columbarium Law. Short title

SEC. 2. Section 9511.1 is added to said code, to read:

9511.1. "Private mausoleum or columbarium" shall be any structure constructed for use by the members of any one family, and not for the sale of space therein to any other person, and a private mausoleum shall not contain crypts for the interment of more than fifteen (15) uncremated human remains, and a columbarium, niches for the interment of not more than thirty (30) cremated human remains. A community mausoleum or columbarium shall be any other mausoleum or columbarium. "Private mausoleum or columbarium"

SEC. 3. Section 9561 of said code is amended to read:

9561. The application shall be accompanied by: Application

(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.

(d) The written approval of the plans and specifications and consent to the proposed erection, construction, reconstruction, or alteration, executed by the cemetery authority owning or operating the cemetery in which the work is to be performed.

SEC. 4. Section 9580 of said code is amended to read:

Expiration of permit

9580. Every permit or approval under which no work is done within 90 days from the date of issuance in the case of a community mausoleum or columbarium and within one year in the case of a private mausoleum or columbarium expires by limitation and a new permit shall be obtained before the work may proceed.

SEC. 5. The heading of Article 2 of Chapter 5 of Part 5 of Division 8 of said code is amended to read:

Article 2. Structural and Material Requirements of Community Mausoleums and Columbariums

SEC. 6. Section 9625 of said code is amended to read:

Design and construction

9625. Every community 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.

SEC. 7. Section 9626 of said code is amended to read:

9626. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of community mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings

SEC. 8. Article 3 (commencing with Section 9650) is added to Chapter 5 of Part 5 of Division 8 of said code, to read:

Article 3 Structural and Material Requirements of Private Mausoleums and Columbariums

9650. Every private 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.

9651. Except as otherwise provided in this chapter, all materials used in the contruction, ornamentation or embellishment of private mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings.

9652. All private mausoleums or columbariums may be constructed as a veneer type or as a solid type as hereinafter set forth.

9653. Veneer type construction of a private mausoleum or columbarium is construction in which all fittings, bearing walls, beams, columns, floor slabs and other structural members are of poured-in-place reinforced concrete designed and constructed in accordance with the Uniform Building Code, and with all minimum structural and material requirements set forth in Article 2 of this chapter.

9654. Solid type construction is construction in which all bearing walls, beams, columns, floor slabs and roof consist of marble or granite blocks, in solid form, doweled with noncorrosive metal dowels as hereinafter described. The foundations shall be of poured-in-place concrete designed and constructed in conformity with the Uniform Building Code. All bearing walls, beams, columns, floor slabs and roof shall be constructed in conformity with the requirements set forth in the Uniform Building Code, except as otherwise provided in this section. Structural members shall be not less than six (6) inches thick, if of granite construction, and eight (8) inches thick, if of marble construction. Each structural part shall be properly doweled and anchored to each other structural part All vertical joints shall be pinned a maximum of three (3) feet on centers, with pins a maximum of one and one-half (1½) feet from a horizontal joint, or pinned with one pin per joint section, whichever spacing is smaller All horizontal joints shall be pinned a maximum of two (2) feet on centers, or in the case of wall slabs of width greater than two (2) feet, each slab shall be pinned to roof and floor with at least two (2) pins No pin shall be closer than four (4) inches to the corner of a stone. Dowel pins shall be bronze, stainless steel or other noncorrosive material, at least three-fourths inch (¾") in diameter and six (6) inches long. Pins shall be properly grouted in one (1) inch holes drilled to a minimum depth of three (3) inches, except the foundations, where they shall be set in place when the concrete is poured. Each course shall be properly grouted solid. All joint surfaces shall be properly roughened to give the binding surfaces a roughness necessary for proper binding At all vertical joints there shall be proper cramps at each joint line of a similar noncorrosive variety. No course shall be less than eighteen inches (18") in height, and thirty-six inches (36") in length. The roof stone shall be doweled to the side walls All joints shall be large enough to allow for expansion and contraction, and shall be raked at least one-half inch (½") deep, unless constructed of single slabs Where granite or marble roof is constructed of more than one piece, and pitch is three inches (3") per foot or less, up-slope pieces must overlap down-slope pieces by a minimum of eight inches (8"). For pitches of from three inches (3") to six inches (6") per foot, this minimum overlap shall be four inches (4"). For steeper slopes, this minimum overlap shall be one and one-half inches (1½"). Where granite or marble roof stone is level or nearly level, and terminated in a vertical joint on one or more sides, this vertical joint shall be protected by a superimposed

cap, along whose edge a drainage trough shall be cut in the roof stone of such size and slope as to prevent moisture from entering the bed joint between roof stone and cap. 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. 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.

CHAPTER 797

An act to amend Section 14540 of the Health and Safety Code and to add Section 14541 to the Health and Safety Code, relating to the withdrawal of territory of a county fire protection district on its inclusion with a city.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14540 of the Health and Safety Code is amended to read:

Withdrawal of territory

14540. Whenever any portion of a district is included within a city by annexation 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, the county clerk or registrar of voters, 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. 2. Section 14541 is added to the Health and Safety Code, to read:

14541. Whenever any portion of a district is included within a city by reason of incorporation, such portion may be withdrawn from the district within one year after the effective date of the incorporation or before January 1, 1958, whichever is later. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, 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.

If the portion of the district included within a city by reason of incorporation is not withdrawn within one year after the effective date of the incorporation or before January 1, 1958, whichever is later it may be withdrawn thereafter only pursuant to the provisions of Article 12, Chapter 2, Part 3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2, Division 11 of the Elections Code.

CHAPTER 798

An act adding Article 3 to Chapter 4 of Title 7 of the Government Code, relating to notices of hearing for zoning exceptions, conditional use permits, variances or similar permits under local zoning ordinances.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 3 is added to Chapter 4 of Title 7 of the Government Code, to read:

Article 3. Notice of Hearing

65951. Whenever a local ordinance, whether pursuant to Article 2 or 2.2 of this chapter, to charter provision, or otherwise, provides for a public hearing on an application for a variance, exception, conditional use permit, or other similar permit, or for revocation or modification of the same, the body conducting such hearing, not less than five days prior thereto, shall mail, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll of the county within which the property concerned is located, or as known to the city clerk, as owning property within a distance of not less than 300 feet from the exterior boundaries of the area actually occupied or to be occupied by the use which is the subject of the hearing.

CHAPTER 799

An act to amend Section 690 of the Elections Code, relating to compensation of members, inspectors, and clerks of precinct boards.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 690 of the Elections Code is amended to read:

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 twenty-one dollars ($21) and the other members shall receive not more than eighteen dollars ($18);

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 the clerks shall not be more than eight dollars ($8).

CHAPTER 800

An act conveying certain tidelands, lands lying under inland navigable waters, swamp and overflow lands, situate in Marin County, to the Bolinas Harbor District, 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 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the Bolinas Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands in Bolinas Bay situated and lying within the boundaries of the Bolinas Harbor District as such boundaries exist on the effective date of this act.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, 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 district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for such public uses and 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.

(b) That said lands shall be substantially improved by said district 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 district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of Marin County, the area of state lands described in this act. Said district 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.

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 801

An act to amend Section 18004 of the Education Code, relating to the improvement of public streets and other places by school districts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18004 of the Education Code is amended to read:

18004. The governing board of any school district may grade, pave, construct sewers, or otherwise improve streets and other public places in front of real property owned or controlled by it, and also may construct in immediate proximity to any school or site owned or controlled by the district, pedestrian tunnels, overpasses, footbridges, sewers and water pipes when required for school or administrative purposes, may acquire property, easements and rights of way for such purpose, and may appropriate money to pay the cost and expense of the improvements, whether made by the board under contract executed by the board, or under contracts made in pursuance of any of the general laws of the State respecting street improvements, or under other contracts made in pursuance of the charter of any county or municipality.

CHAPTER 802

An act to add Section 2672.5 to the Elections Code, relating to filing fees required of candidates for election to a county central committee.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2672.5 is added to the Elections Code, to read:

2672.5. The Legislature hereby finds that due to the increasing number of persons seeking election to county central committees in counties and cities and counties in which voting machines are used, it may become impossible for the county clerks or registrars of voters in such counties or cities and counties to place the names of county central committee candi-

dates on the machines used. Should this happen the county clerks or registrars of voters would be compelled to print supplementary paper ballots at a cost to the counties and cities and counties involved estimated at many thousands of dollars. Since county central committee candidates are not now required to pay filing fees to offset the cost of an election, and since the situation herein described would be primarily attributable to such candidates, the Legislature believes that the burden of the increased costs should be borne by them, and for that reason has enacted this section.

Notwithstanding anything contained in Section 2672 of this code, a candidate for election to a county central committee in any county or city and county in which voting machines are used to register the vote shall deposit the sum of five dollars ($5) with the county clerk or registrar of voters, as the case may be, of the county or city and county at the time the candidate files his declaration of candidacy. The clerk or registrar shall not accept any declaration for filing which is not accompanied by such a deposit.

In the event there is sufficient space upon the ballot labels of the voting machines used in the county or city and county to list the names of all candidates and statements of all measures to be voted upon, including the names of candidates for election to the county central committee, the sum deposited by candidates pursuant to this section shall be refunded to the candidates not later than 10 days after the election. If the ballot labels used do not contain sufficient space to list all of the information described above, making it necessary to use supplementary paper ballots, the sum collected pursuant to this section shall be deemed a filing fee and shall not be refunded but shall be used to reimburse the county or city and county for the costs incurred by it in connection with the printing and distribution of supplementary ballots.

The provisions of this section shall remain effective until January 1, 1959, and thereafter shall be of no force or effect.

CHAPTER 803

An act to amend Section 20254 of the Education Code, relating to schools and colleges under the jurisdiction of the Department of Education, and making an appropriation.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20254 of the Education Code is amended to read:

20254. The Director of Education may enter into agreements with agencies of the Federal Government, county superintendents of schools, county boards of education, any school

district, and state college foundations or other auxiliary organizations, including those established pursuant to Article 2, Chapter 2, Division 10 of the Education Code, for the performance of any services for such agencies by any school or college under the jurisdiction of the Department of Education. All moneys received under any such agreement, except recovery of contributions to the State Employees' Retirement Fund, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

CHAPTER 804

An act to amend Section 18053 of the Education Code, relating to school district contracts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18053 of the Education Code is amended to read:

18053. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board, or with such other officer or employee as the board may designate.

If any of the estimates of cost is less than two thousand dollars ($2,000), the board may let a contract for the work, materials, or supplies, to the lowest responsible bidder without publishing the notice calling for bids.

CHAPTER 805

An act to add Article 4 to Chapter 3, Division 4 of the Elections Code, relating to ballot arguments on city measures.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 is added to Chapter 3, Division 4 of the Elections Code, to read:

Article 4. Arguments Concerning City Measures

"City measure"

1820. As used in this article, "city measure" includes any proposed city charter, any proposed amendment to a city charter, any proposition for the issuance of bonds by the city, or any other question or proposition submitted to the voters of a city.

Submission of arguments

1821. If there is no other method provided by general law or city charter, arguments for and against any city measure may be submitted to the qualified electors of the city pursuant to this article. If a method is otherwise provided by general law, by city charter or ordinance enacted pursuant thereto for submitting arguments as to a particular kind of city measure, that method shall control.

Arguments

1822. The legislative body, or any member or members thereof authorized by such body, or any individual voter or bona fide association of citizens, or any combination of such voters and associations, may file a written argument for or against any city measure. No argument shall exceed 300 words in length. The city clerk shall cause an argument for and an argument against the measure to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot. Such printed arguments are "official matter" within the meaning of those words as used in Section 3711.

Final date

1823. Based on the time reasonably necessary to prepare and print the arguments and sample ballots for that particular election, the city clerk shall fix and determine a reasonable date prior to such election after which no arguments for or against any city measure may be submitted to him for printing and distribution to the voters as provided in this article. Arguments may be changed until and including the date fixed by the city clerk.

Selection of arguments

1824. If more than one argument for or more than one argument against any city measure is submitted to the city clerk within time, the city clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) The legislative body or member or members thereof authorized by such body.

(b) The individual voter or bona fide association of citizens, or combination of such voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters.

CHAPTER 806

An act to add Article 5, comprising Section 18071, to Chapter 1, Division 9 of the Education Code, and to amend Section 1306 of said code, relating to delegation of the power of contract by governing boards of school districts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 5, comprising Section 18071, is added to Chapter 1, Division 9 of the Education Code, to read:

Article 5. Delegation of Power to Contract

Delegation of voting power re contracts

18071. Wherever in this code the power to contract is invested in the governing board of the school district or any member thereof, such power may by a majority vote of the board be delegated to its district superintendent, or if there be no such officer then to such other officer or employee of the district as the board may designate. Such delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct; provided, however, that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, said approval or ratification to be evidenced by a motion of said board duly passed and adopted. The school district official invested by the governing board with such power of contract shall be personally liable to the school district employing him for any and all moneys of said district paid out on any contracts made in violation or disregard of any provision of this article, but may insure himself against such liability with any insurance company authorized to do business in this State, and the cost of such insurance in whole or in part may be made a proper charge against school district funds, in the discretion of the governing board.

SEC. 2. Section 1306 of said code is amended to read:

Powers of superintendent

1306. The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him:

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and

take such other action in connection with the budget as the board may desire.

(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve.

(d) Enter into contracts for and on behalf of the district pursuant to Section 18071.

CHAPTER 807

An act to amend Sections 6202, 6203, 6357, 6738, 6757, 6933, and 7151 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6202 of the Revenue and Taxation Code is amended to read:

Liability for tax

6202. Every person storing, using, or otherwise consuming in this State tangible personal property purchased from a retailer is liable for the tax. His liability is not extinguished until the tax has been paid to this State except that a receipt from a retailer engaged in business in this State or from a retailer who is authorized by the board, under such rules and regulations as it may prescribe, to collect the tax and who is, for the purposes of this part relating to the use tax, regarded as a retailer engaged in business in this State, given to the purchaser pursuant to Section 6203, is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

SEC. 2. Section 6203 of said code is amended to read:

Collection by retailer

6203. Every retailer engaged in business in this State and making sales of tangible personal property for storage, use, or other consumption in this State, not exempted under Chapter 4 of this part, shall, at the time of making the sales or, if the storage, use, or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

"Retailer engaged in business in this State" as used in this and the preceding section means and includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property.

SEC. 3. Section 6357 of said code is amended to read:

Motor vehicle fuel

6357. There are exempted from the taxes imposed by this part the gross receipts from the distributions of and the storage, use, or other consumption in this State of motor vehicle fuel the distributions of which in this State are subject to the tax imposed by Part 2 of this division and not subject to refund.

The Controller shall collect the sales tax upon sales of motor vehicle fuel which are subject to tax and refund under Part 2 of this division and the use tax when applicable to the storage, use or other consumption of such fuel by way of deduction from refunds otherwise allowable under that part. He shall transfer the amount of the deductions from the Motor Vehicle Fuel Fund to the Retail Sales Tax Fund.

SEC. 4. Section 6738 of said code is amended to read:

Abstract of judgment Lien

6738. An abstract of the judgment or a copy may be filed for record with the county recorder of any county. From the time of the filing the amount required to be paid together with interest and penalty set forth constitutes a lien upon all the real property in the county owned by the person liable or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the date of the judgment so entered by the county clerk unless sooner released or otherwise discharged. The lien may within 10 years from the date of the judgment or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record in the office of the county recorder of any county an abstract or copy of the judgment and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 5. Section 6757 of said code is amended to read:

Recording certificate Lien

6757. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of

the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 6. Section 6933 of said code is amended to read:

Action for refund

6933. Within 90 days after the mailing of the notice of the board's action upon a claim filed pursuant to Article 1 of this chapter, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in any city or city and county of this State in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

SEC. 7. Section 7151 of said code is amended to read:

Criminal penalties

7151. Any retailer or other person who fails or refuses to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the board, is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each offense.

CHAPTER 808

An act to amend Sections 11452, 11495, 11553, 11572, 11573, 11574 and 11752 of the Revenue and Taxation Code, and to add thereto Sections 11574.5, 11750 and 11753, all relating to the private car tax.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11452 of the Revenue and Taxation Code is amended to read:

Transfer of credits

11452. After receiving the notice the persons so notified shall neither transfer nor make other disposition of the credits, personal property, or debts until the board consents to a transfer or disposition, or until 60 days elapse after receipt of the notice.

SEC 2. Section 11495 of said code is amended to read:

Recording certificate Lien

11495. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears

on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 2.5. Section 11553 of said code is amended to read:

Claim for refund

11553. No credit or refund shall be allowed after three years from the first Monday in August of the year in which the assessment is made or after six months from the date of overpayment, whichever period expires the later, unless a claim is filed therefor with the board within such period.

SEC. 3. Section 11572 of said code is amended to read:

Suit for recovery

11572. 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.

SEC. 4. Section 11573 of said code is amended to read:

Limitation period

11573. 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 any city or city and county of this State in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

SEC. 5. Section 11574 of said code is amended to read:

Disallowance of claim

11574. 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.

SEC. 6. Section 11574.5 is added to said code, to read:

Waiver

11574.5. 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.

SEC. 7. Section 11750 is added to said code, to read:

Criminal penalty

11750. Any person who fails or refuses to furnish any return required to be made, or who fails or refuses to furnish

a supplemental return or other data required by the board is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each offense.

SEC. 8. Section 11752 of said code is amended to read:

11752. Any violation of this part, except as otherwise provided, is a misdemeanor. Violations Misdemeanor

SEC. 9. Section 11753 is added to said code, to read:

11753. Any prosecution for violation of any of the penal provisions of this part shall be instituted within three years after the commission of the offense.

SEC. 10. The provisions of Sections 3 to 6, inclusive, of this act shall not apply to prevent the commencement or maintenance of any action for the recovery of taxes paid under protest prior to the date this act takes effect. Prior actions

CHAPTER 809

An act to amend Sections 32271, 32272, 32301 and 32381 of the Revenue and Taxation Code, and to add Section 32556 and Article 2 5 to Chapter 7 of Part 14 of Division 2 of said code, all relating to the alcoholic beverage tax.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 32271 of the Revenue and Taxation Code is amended to read:

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 in- Deficiency

terest 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 for any reason.

SEC. 2. Section 32272 of said code is amended to read:

Limitation period

32272. Except in the case of a fraud, intent to evade this part or authorized rules and regulations, or failure 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. In the case of failure to make a return, the notice of determination shall be mailed within eight years after the date the return was due.

SEC. 3. Section 32301 of said code is amended to read:

Petition for redetermination

32301. Any person from whom an amount is determined to be due under Article 2 or 3 of this chapter or any person directly interested may petition for a redetermination thereof within 30 days after service upon him of notice of the determination. If a petition for redetermination is not filed within the 30-day period, the amount determined to be due becomes final at the expiration thereof. If a petition for redetermination is filed within the 30-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 30 days after service upon the petitioner of notice thereof.

All amounts determined to be due by the board under Article 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.

SEC. 4. Article 2.5 is added to Chapter 7 of Part 14 of Division 2 of said code, to read:

Article 2.5. Warrant for Collection

Warrant: Issuance, effect, etc

32365. At any time within three years after any person is delinquent in the payment of any amount herein required to

be paid, or within three years after the last recording of an abstract under Section 32362, 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.

Fees, expenses, etc.

32366. 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.

Same Collection

32367. 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.

SEC. 5. Section 32381 of said code is amended to read:

Notice to withhold payments

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 60 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.

SEC. 6. Section 32556 is added to said code, to read:

Statute of limitation

32556. Any prosecution for violation of any of the penal provisions of this part shall be instituted within three years after the commission of the offense.

CHAPTER 810

An act to add Section 13031.4 to the Education Code, relating to the employment of persons in positions requiring certification qualifications by school districts.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13031.4 is added to the Education Code, to read:

13031.4. The Legislature hereby declares that it is contrary to the interest of this State and of the people thereof for any person or persons charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification qualifications to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code.

CHAPTER 811

An act to amend Sections 5922 and 5923 of the Education Code, relating to warehouse revolving funds.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5922 of the Education Code is amended to read:

Revolving fund

5922. The amount of the revolving fund shall not exceed an amount from the general fund of the district equal to the average daily attendance of the district for the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing board of the district may, in its discretion, appropriate from other funds of the district, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of the school district at the time of the establishment of the fund, which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sum the governing board in its discretion may appropriate from the various funds of the district, including building funds, not to exceed an aggregate sum determined as above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund of the district.

Where a common revolving fund is established for two or more school districts governed by governing boards of identical personnel, the amount of the revolving fund shall not exceed an amount from the general funds of the districts equal to the average daily attendance of the districts for the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing boards of the districts, in their discretion, appropriate from other funds of the districts, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of each school district at the time of the establishment of the fund which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each dis-

trict in its discretion may appropriate from the various funds of the district, including the building fund, not to exceed an aggregate sum as determined above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

The amount of any revolving fund once established as herein prescribed may be increased to an amount from general funds not in excess of the average daily attendance of the next preceding year multiplied by ten dollars ($10) plus such amounts as the governing board, in its discretion, may appropriate from other funds of the district, including building funds, or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

Amounts expended from the revolving fund are restored thereto through payments into the revolving fund by warrants drawn on the various funds of the districts, including building funds, for shipments from stores for the use of the districts. The warrants shall be made payable to the "revolving fund of_____

(Here insert name or names of the

_____."

school district or school districts establishing the fund)

SEC. 2. Section 5923 of said code is amended to read:

5923. The revolving fund, when established, shall be used for the purchase of stores to be placed in stock and may be used for the payment of costs of receiving, storing, and delivering stores. Purchases shall be made in the manner prescribed by law. Nothing contained in this article shall be construed as repealing any other provisions of law relating to school district funds. Use of fund

---

CHAPTER 812

An act to add Section 1090.1 to the Government Code, relating to public officers.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1090.1 is added to the Government Code, to read:

1090 1. No officer or employee of the State nor any Member of the Legislature shall accept any commission for the placement of insurance on behalf of the State.

CHAPTER 813

An act to add Section 148.5 to the Penal Code, relating to the offense of falsely reporting a criminal offense.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 148.5 is added to the Penal Code, to read:

148.5. Every person who reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney, or member of the California Highway Patrol that a felony or misdemeanor has been committed, knowing such report to be false, is guilty of a misdemeanor.

CHAPTER 814

An act to amend Section 7713 of, and to add Section 7717.2 to, the Education Code, relating to state school building aid.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7713 of the Education Code is amended to read:

Application for apportionment

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.

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.

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 term "available funds" as used in the preceding paragraph means funds of the district other than funds received by gift or bequest.

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 7717.2 is added to said code, to read:

Computation of area

7717.2. The area of any building constructed by a school district after the effective date of this section with funds given or bequeathed to the district after such effective date, and the area of any building given, devised or bequeathed to a school district after such effective date, including any building given to a district by any city, county or political subdivision of this State, shall not be included in any computation of the area of adequate school construction existing in any applicant school district under this chapter.

For the purposes of this section, any building leased to a school district for a term exceeding 24 years and for an annual rental of not exceeding five dollars ($5), shall be construed as constituting a gift to the district.

CHAPTER 815

An act to amend Sections 3063, 3467, and 3468 of the Civil Code, and Section 3423 of the Public Resources Code, and to repeal Sections 27245, 27253, and 27255 of the Government Code, relating to the recordation of instruments.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3063 of the Civil Code is amended to read:

Recordation of lien

3063. Every claimant of a lien provided for in the preceding section must, within 90 days after the service on account of which the lien is claimed, record in the office of the county recorder of the county where the mare or cow subject thereto is kept, a verified claim containing a particular description of the mare or cow, the date and place of service, the name of the owner or reputed owner of such mare or cow, a description by name, or otherwise, of the stallion, jack, or bull performing the service, the name of the owner or person in charge thereof, and the amount of the lien claimed. Such claim, so recorded, is notice to subsequent purchasers and encumbrancers of such mare or cow and of the offspring of such service for one year after such recording.

SEC. 2. Section 3467 of the Civil Code is amended to read:

Bond of assignees

3467. No bond shall be given by the sheriff, but he shall be liable on his official bond for the care and custody of the property while in his possession. Within 40 days after date of the transfer by the sheriff, the assignee must enter into a bond to the people of this State, in such amount as may be fixed by a judge of the superior court of the county, or city and county, in which an inventory in accordance with the provisions of this title is filed, with sufficient sureties to be approved by such judge and conditioned for the faithful discharge of the trust and the due accounting for all moneys received by the assignee, which bond must be recorded in the same office where the inventory is required to be filed; and any assignee failing to comply with the provisions of this section may be removed by the above named superior court on petition of the assignor or any creditor, and his successor appointed by such court.

SEC. 3. Section 3468 of the Civil Code is amended to read:

Disposal or conversion

3468. Until a verified inventory has been made and filed, either by the assignor or assignee, as required by the provisions of this title, and the assignee has given the bond required by the last section, such assignee has no authority to dispose of the property of the estate, or any part of it (except in the case of perishable property, which in his discretion he

may dispose of at any time, and receive the proceeds of sale thereof); nor has he power to convert the property, or the proceeds of any sale of perishable property, to the purposes of the trust.

Within 10 days after the recording of his bond, the assignee must commence the publication (and such publication shall continue at least once a week for four weeks), in some newspaper published in the county, or city and county, where the inventory is filed, of a notice to creditors of the assignor, stating the fact and date of the assignment, and requiring all persons having claims against the assignor to exhibit them, with the necessary vouchers, and verified by the oath of the creditor, to the assignee, at his place of residence or business, to be specified in the notice; and he shall also, within 10 days after the first publication of said notice, mail a copy of such notice to each creditor whose name is given in the instrument of assignment, at the address therein given. After such notice is given, a copy thereof, with affidavit of due publication and mailing, must be recorded with the county recorder with whom the inventory has been filed, which affidavit shall be prima facie evidence of the facts stated therein.

At any time, or from time to time, after the expiration of 30 days from the first publication of said notice (provided, the same shall also have been mailed as in this section provided), the assignee may, in his discretion, declare and pay dividends to the creditors whose claims have been presented and allowed. No dividend already declared shall be disturbed by reason of claims being subsequently presented and allowed; but the creditor presenting such claim shall be entitled to a dividend equal to the percent already declared and paid, before any further dividend is made; provided, however, that there be assets sufficient for that purpose; and provided, that the failure to present such claim shall not have resulted from his own neglect, and he shall attach to such claim a statement, under oath, showing fully why the same was not before presented.

When a creditor has a mortgage or pledge of real or personal property of the debtor, or a lien thereon, for securing the payment of a debt owing to him from the debtor, and shall not have conveyed, released, or delivered up such security to the sheriff, as provided for by Section 3449 of this code, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such mortgage, pledge, or lien, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the superior court of the county in which the assignment is made shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt.

If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the debtor's right of redemption thereon on receiving such

excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transactions. If the property is not sold or released, and delivered up, the creditor shall not be allowed to prove any part of his debt.

SEC. 4. Section 3423 of the Public Resources Code is amended to read:

3423. The assessment and charges levied under this article are a lien upon all the property of every kind and nature belonging to the persons assessed. The assessments and charges levied upon oil or gas removed from any land in this State are a lien upon the land from which the oil or gas has been extracted. The lien shall attach on the first Monday in March of each year. The lien may be enforced and the charges collected by an action by the State Controller as provided by this article. Assessment liens

When an assessment shall have been levied, but shall not have been paid prior to the first Monday in February following such levy, if the certificate of delinquency is to be recorded as hereinafter provided, the Controller shall, within twenty-five (25) days thereafter, mail a notice to the owner of the land at his last known address as it appears in the office of the county assessor for the county in which the land is situate, or if no address appears in the office of the county assessor, then to the last address of the owner of the land as last shown on the records of the said county assessor. The notice shall contain a statement of the amount of the assessment, the date upon which the assessment was levied, the fact that the records of the Controller show the assessment to be unpaid, and shall declare that unless the assessment is paid before the first Monday in March following, the lien provided for in this section will attach.

When any person assessed shall be delinquent in the payment of the charges, interest or penalties as herein provided, the Controller may, on or before the thirtieth day of May next following the delinquency, record a certificate with the county recorder of the county in which the oil or gas was extracted, specifying the amount of the charges, interest and penalty due, the name and address of the assessee liable for the same, as it appears from his records, the name and address of the assessed owner of the land from which the oil or gas was extracted, together with its description, as it appears on the records of the county tax collector in which the property is located, that there has been compliance with all the provisions of law in relation to the computation and assessment of the charges. Upon recording said certificate the amount of the lien as above provided is determined and shall have the same force, effect and priority as a judgment lien upon the land from which the oil or gas is extracted.

A warrant may be issued by the State Controller or his duly authorized representative for the collection of any

charges, interest and penalty and for the enforcement of any lien directed to the sheriff or constable, and shall have the same effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy upon and sale of real property pursuant to a writ of execution.

Notwithstanding any provisions of law to the contrary, the owner of said land may redeem from any execution sale within a period of three years upon payment of interest, penalties and charges as provided in the case of other sales of real property under execution.

The sheriff or constable shall receive, upon the completion of his services pursuant to a warrant, and the Controller is authorized to pay to him the same fees and commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Controller rather than by the court; said fees, commissions and expenses shall be an obligation of the person or persons liable for the payment of said charges and may be collected from such person or persons by virtue of the warrant or in any other manner provided in this article for the collection of such charges.

In the event that the lien of the charges, penalties or interest attaches to real property from which the oil or gas is extracted and more than one parcel of property is included within the lien, the Controller may release by certificate as hereinabove provided from the lien of said charges, interest, penalties and costs, upon payment by the owner of any parcel or parcels of property of his proportionate share of the assessment of the oil or gas extracted from all land included within said lien owned by him.

The Controller may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the charges are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such charges. A certificate by the Controller to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

It is expressely provided that the remedies provided herein of the State shall be cumulative and that no action by the Controller shall be construed to be an election on the part of the State, or of any of its officers, to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this article.

Repeals

SEC. 5. Sections 27245, 27253, and 27255 of the Government Code are hereby repealed.

CHAPTER 816

An act to amend Sections 16303 and 16304 of, and to add Section 16304.1 to, the Government Code, relating to the reversion of appropriations.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 16303 of the Government Code is amended to read:

Return of withdrawals

16303. If money withdrawn from the Treasury pursuant to a valid act of appropriation is subsequently returned, in whole or part, the Controller shall credit it back to the special or general appropriation from which it was drawn, and it is available for the purpose for which it was appropriated.

Money so returned after expiration of the period of availability of such appropriation may be credited by the Controller to either the appropriation or the fund from which it was drawn. In making such determination, the Controller shall take into account, among other things: the amount of the abatement, the time elapsed since the reversion of the appropriation, and the undisbursed balance remaining in the appropriation.

SEC. 2. Section 16304 of said code is amended to read:

Availability of appropriation

16304. An appropriation shall be available for expenditure during the period specified therein, or, if not otherwise limited by law, for three years after the date upon which it first became available for expenditure. An appropriation containing the term "without regard to fiscal years" shall be available for expenditure from year to year until expended.

Unless otherwise specifically provided, an appropriation shall be deemed to be expended at the time and to the extent that it has been encumbered by the creation of a valid obligation on the part of the State of California.

Appropriations for the following purposes are exempt from limitations as to period of availability in any appropriation, and shall remain available from year to year until expended:

(a) Payment of interest and redemption charges on any portion of the bonded debt of the State.

(b) Transfers of money from any fund for the benefit of elementary schools, high schools, junior colleges, the University of California, or any interest and sinking fund in the State Treasury.

(c) Appropriations made for cooperative work under specific agreement or under contract.

(d) Money transferred to revolving funds specifically created by law, including, but not limited to, the Division of Architecture Revolving Fund and the Water Resources Revolving Fund.

(e) Appropriations available for the acquisition of real property to the extent that such appropriations have been encumbered, with the approval of the Director of Finance, by the filing of condemnation proceedings on behalf of the State of California prior to the expiration of the period of availability of the appropriation.

(f) Money transferred to and expendable from funds other than the fund in which originally deposited, pursuant to the provisions of law earmarking or appropriating for expenditure certain classes of revenue or other receipts.

(g) Continuing provisions of law appropriating for specific purposes certain classes of revenue or other receipts, upon their deposit in a particular fund in the State Treasury or upon their collection by an agency of this State.

SEC. 3. Section 16304.1 is added to said code, to read:

Undistributed balance

16304.1. Upon the expiration of two years following the last day of the period of its availability, the undisbursed balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. Subsequent to reversion any unpaid encumbrance against the appropriation may be paid, with approval of the Board of Control, from any current appropriations available for the same purposes.

CHAPTER 817

An act to amend Sections 17091 and 17092 of, and to add Section 17097 to, the Government Code, relating to lost or destroyed state warrants.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 17091 of the Government Code is amended to read:

Application for duplicate warrant

17091. Application for a duplicate warrant shall be made by filing with the Controller:

(a) An affidavit setting forth the fact of its loss or destruction, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction.

(b) A bond of indemnity, with two good and sufficient sureties, in the face amount of the particular warrant; provided, however, that where the face amount of the lost or destroyed warrant is greater than ten thousand dollars ($10,000) a bond of indemnity shall not be required for an amount greater than ten thousand dollars ($10,000) and, in no event, shall bonds be required to indemnify the State for a period longer than four years from the date of issuance of the lost or destroyed warrant.

(c) No bond of indemnity shall be required: (1) when the payee is the United States Government, a state of the United States, any agency, instrumentality or officer of the United States Government or of a state, or any county, city, city and county, town, district, or other political subdivision of a state, or any officer thereof; (2) when the owner or custodian is the State of California or any agency or officer thereof; (3) when the owner or custodian is a bank, savings and loan association, admitted insurer, or trust company whose financial condition is regulated by the United States Government or by the State of California; or (4) when the amount of the lost or destroyed warrant is less than one hundred dollars ($100).

Provided, however, that where the owner or custodian applies under the provisions of subsection (3) or (4) hereof, the application shall include an agreement to indemnify and hold harmless the State, its officers and employees, from any loss resulting from the issuance of the duplicate warrant.

SEC. 2. Section 17092 of said code is amended to read:

17092 The bond of indemnity or indemnity agreement shall be in a form as approved by the Attorney General. The Controller shall examine and pass upon the sufficiency of the application, including the bond or agreement, and approve or reject it within 30 days after it is filed with the Controller. Approval of bond

SEC. 3. Section 17097 is added to said code, to read:

17097. Any loss incurred in connection with the issuance of a duplicate warrant shall be charged against the account from which the payment was derived. Loss of duplicate warrant

CHAPTER 818

An act to add Section 4662 to the Corporations Code, relating to the winding up and dissolution of public utility corporations.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4662 is added to the Corporations Code, to read:

4662. Whenever any corporation whose principal business has been that of a public utility, as defined in the Public Utilities Code, has lawfully sold its certificate or certificates of public convenience and necessity and other operating rights to operate as a public utility or has discontinued its public utility business, such corporation may be wound up and dissolved by court action as hereinafter provided unless, within a period of one year subsequent to such sale or discontinuance or within a period of six months subsequent to the effective date of this section, whichever of said periods expires later, the shareholder or shareholders holding at least seventy-five

percent (75%) of the voting shares issued and outstanding at the date of sale or discontinuance consent to the continued existence of said corporation by vote or written consent filed with the secretary of the corporation. In the event that such corporation has neither been voluntarily dissolved nor such consent to continue its existence been so given within said applicable period, a complaint for the involuntary winding up and dissolution of the corporation may be filed at any time within the second year after such sale or discontinuance in the superior court of the county in which the principal office of the corporation is located by a shareholder or shareholders who have been record holders for a period of not less than one year and who hold at the time of the filing of the action more than twenty-five percent (25%) of the number of voting shares outstanding at the date of such sale or discontinuance. The verified complaint shall allege the existence of the facts set forth in the first sentence of this section and the jurisdictional matters set forth in the second sentence of this section. After hearing the court shall decree a winding up and dissolution of the corporation if the facts required by the foregoing provisions of this section are shown. Sections 4652, 4653, 4654, 4656, 4660 and 4661 shall be applicable to actions under this section.

CHAPTER 819

An act to repeal Article 2 (commencing at Section 1600) of Chapter 8 of Division 2 of the Streets and Highways Code and to amend Sections 16417 and 29484 of the Government Code, relating to county highway funds.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article 2 (commencing at Section 1600) of Chapter 8 of Division 2 of the Streets and Highways Code is repealed.

SEC. 2. Section 29484 of the Government Code is amended to read:

Apportionment of funds Auditor

29484. The auditor of any county receiving a payment of money pursuant to this article, shall immediately apportion the money by placing 50 percent to the credit of the unapportioned county elementary school fund of the county, and 50 percent to the credit of the special road improvement fund.

SEC. 3. Section 16417 of the Government Code is amended to read:

16417. The auditor of any county receiving a payment of money pursuant to this article shall immediately apportion the money by placing 50 percent to the credit of the county school service fund of the county and 50 percent to the credit of the special road improvement fund.

CHAPTER 820

An act to repeal Article 4 (commencing at Section 1220) of Chapter 4 of Division 2, Article 5 of Chapter 4 of Division 2, and Sections 961, 962, 963, 980, and 1581 of, and to add Section 1076 to, the Streets and Highways Code, relating to county highways.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing at Section 1220) of Chapter 4 of Division 2 of the Streets and Highways Code is repealed. Repeal

SEC. 2. Section 1076 is added to said code, to read:

1076. 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, Division 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. Election to perform work

SEC. 3. Article 5 (commencing at Section 1270) of Chapter 4 of Division 2 of the Streets and Highways Code is repealed. Repeals

SEC. 4. Sections 961, 962, and 963 of said code are repealed.

SEC. 5. Section 980 of said code is repealed.

SEC. 6. Section 1581 of said code is repealed.

CHAPTER 821

An act to amend the heading of Chapter 4 (commencing with Section 42700), Part 5, Division 14, Sections 42700, 42726, 42728, 43506, 46500, 46501, 46671 and 46674 of, and to add Section 43005, to add Article 4 (commencing with Section 43900) to Chapter 5 of Part 6 of Division 14, to add Section 46675 to, and to add Chapter 12 (commencing with Section 47800) to Part 9 of Division 14 of, the Water Code, relating to water storage districts.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The title to Chapter 4 of Part 5 of Division 14 of the Water Code is amended to read:

CHAPTER 4. PROJECT UNCOMPLETED FOR FIVE YEARS

SEC. 2. Section 42700 of said code is amended to read:

New report Modification or abandonment

42700. If any original project adopted under Chapter 3 (commencing with Section 42500) of this part remains uncompleted, whether in whole or in part, for more than five years after its adoption and any assessment levied under Part 9 (commencing with Section 46000) of this division on the basis of the project remains uncalled, either in whole or in part, and if the board finds by a two-thirds vote of its entire membership that the project should be materially modified or should be completely abandoned and another project be substituted in its place, then the board shall proceed under Chapter 1 (commencing with Section 42200) of this part to prepare and file with the department a new report which shall be complete in itself and which shall set up the original project as materially modified or a new project to be substituted in its place.

SEC. 3. Section 42726 of said code is amended to read:

Election

42726. If the vote at either of the elections is favorable to the report, the department shall proceed as required by this part and nothing further shall be done toward completion of the original project. If there is any uncalled portion of principal or interest of any outstanding assessment already levied and in effect to carry out the original project, the board shall, by resolution, cancel so much thereof as is not required for a refund to landowners who have already paid all or a part of their pro rata share of the portion to be canceled The board shall specify in this resolution the portion of the assessment levied against each tract which is to be canceled, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. These and subsequent proceedings under this section shall be governed by Sections 47806, 47807, 47808, 47809, and 47810.

SEC. 4. Section 42728 of said code is amended to read:

Surplus funds

42728. If, after all debts and liabilities have been paid, any funds remain on hand which have been collected under the original assessment or any funds are subsequently collected through redemptions from any sale for any delinquent call on the original assessment, such funds shall, unless distributed to landowners pursuant to Section 46675, be credited pro rata to the respective tracts of land in the district on the assessment roll for the original assessment according to the rate of assessment per acre established in the original assessment and thereafter shall be applied on account for the benefit of the tracts of land against any call on any assessment levied upon the tracts through proceedings authorized under this article.

SEC. 4.5. Section 43005 is added to said code, to read:

Settlement or determination of rights

43005. The board may enter into contracts with any or all interested parties for settlement or determination of any or all water rights on any stream system or on any part thereof which concerns the district or for the administration of water rights or of waters of any such stream system or any part

thereof, whether by watermaster or otherwise; and if, in connection with any such contract and to make such contract efficiently operable for the benefit of the district, the board shall expressly find that the district should act for others also, whether their lands and water rights are within or without the district, then the district, with the written approval of any interested party for whom the district undertakes to act, may do so to the extent and under the terms which are expressed in any such contract.

SEC. 5. Section 43506 of said code is amended to read:

43506. The board may hold, use, manage, occupy, and possess property of the district, and may lease property of the district for oil, gas and other mineral development or for agricultural or other purposes if in the opinion of the board such action will not interfere substantially with the district's operations. Use of property

SEC. 6. Article 4 is added to Chapter 5 of Part 6 of Division 14 of said code, to read:

Article 4. Validation of Other Acts

43900. At any time within 30 days after the adoption at an election of any district project, the levying of any assessment, the making of any contract, or the taking of any other action by the district or by the board under the provisions of this division, an action may be commenced in the superior court of any affected county by the board in the name of the district as plaintiff to determine the validity of the adoption of the project, the levying of the assessment, the making of the contract or the taking of such other action, as the case may be. The defendants shall be described as "all persons claiming any interest in any lands within the said (name) water storage district." Validation

43901. In the event no action is brought by the board, it may be commenced by any holder of title to land within 60 days after the expiration of the period within which it might have been brought by the board. Limitation period

43902. It shall be sufficient to describe the land as all the land in the district (naming it) without any more specific description. Description

43903. The summons shall be published once a week for two successive weeks in the county where the action is pending. Publication of summons

43904. Within 30 days after the first publication of summons any holder of title to land or any person interested may appear and answer the complaint The answer shall set forth the facts relied upon to show the invalidity of the matter the validity of which is the subject matter of the action. The default of all defendants not so appearing may be entered. Answer

43905. An action brought pursuant to this article shall be given precedence in hearing and trial over all other civil actions before the court. Judgment shall be rendered declaring the matters contested either valid or invalid. Any party Court precedence

not in default has the right to appeal to the Supreme Court within 30 days after the entry of judgment.

Judgment in rem

43906. Judgment for the plaintiff in the proceedings is a judgment in rem and is conclusive against the district, all land, holders of title to land, and other interested persons.

SEC. 7. Section 46500 of said code is amended to read:

Assessment list

46500. The assessment list of each county shall remain open for payment in the office of the county treasurer of the affected counties for a period of 30 days and shall continue to remain open thereafter until such time, if ever, as the board makes an order calling a special election for the issuance of bonds to be secured by the assessment. If the result of the election is that the proposal to isssue bonds is defeated, the assessment list shall again become open.

SEC. 8. Section 46501 of said code is amended to read:

Payment

46501. During the time the assessment lists are open any person may pay to the county treasurer in lawful money of the United States or in warrants of the district all or any part of the charge assessed against any tract of land.

SEC. 9. Section 46671 of said code is amended to read:

Interest

46671. All unpaid assessments bear interest at the rate of 7 percent per year. Interest commences to run 30 days after the assessment list is filed with the county treasurer.

SEC. 10. Section 46674 of said code is amended to read:

Surplus funds

46674. Except as otherwise provided in Section 46675, in the event the cost of any unit is less than the funds collected therefor, the excess shall be held and used for the benefit of such unit only and shall be applied to the bond fund of such unit, and if there is no bond fund, the excess shall be applied to the operation of such unit.

SEC. 11. Section 46675 is added to said code, to read:

Distribution of funds

46675. The board, pursuant to a resolution entered in its minutes, may distribute, among the landowners of the district, any funds in the treasury belonging to the district which were collected on an assessment on which no bonds are outstanding (or collected by way of interest or penalties on the assessment or by the rental, sale or redemption of delinquent land under the assessment) and which appear to the board to be greater than required to meet all obligations incurred or to be incurred for the purposes for which the assessment was levied, such distribution to the landowners to be made in the proportion that they were assessed on such assessment.

SEC. 12. Chapter 12 is added to Part 9 of Division 14 of said code, to read:

CHAPTER 12. CANCELLATION AND REFUND OF UNNECESSARY ASSESSMENTS

Resolution re cancellation

47800. When a district has levied an assessment and it appears to the board that the assessment or some part thereof is greater than required to meet all obligations incurred or to be incurred for the purposes for which the assessment or part

thereof was levied, the board may, by resolution, declare its intention to cancel all or any portion of the assessment including any interest thereon.

Resolution

47801. In the resolution of intention the board shall specify the portion of the assessment proposed to be canceled and appoint a time not less than three weeks nor more than five weeks from the date of the resolution when it will hold a meeting and hear any objections.

Filing

47802. A copy of the resolution of intention, certified by the secretary, shall be filed with the department within one week from the date of the resolution.

Publication

47803. A copy of the resolution of intention shall be published once a week for three successive weeks before the time appointed by the board for the meeting in a newspaper of general circulation in each affected county.

Objections

47804. Objections shall be written, verified, and filed with the secretary, and no objection shall be considered by the board or allowed in any other action or proceeding unless made in writing and filed with the secretary prior to the meeting.

Hearing

47805. At the meeting the board shall hear any evidence offered in support of the written objections, after which the board may, by resolution, cancel all or such portion of the assessment, including interest thereon, as appears to the board greater than required to meet all obligations incurred or to be incurred for the purposes for which the assessment or part thereof was levied. The board shall specify in this resolution the portion of the assessment levied against each tract which is to be canceled, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. In adopting a resolution to cancel the board may make such revisions in the original plan set forth in its resolution of intention as it sees fit.

Adoption

47806. When a resolution to cancel is adopted, a copy thereof, certified by the secretary, shall be filed with the department, and another copy thereof, certified by the secretary, shall be attached to the assessment roll by the county treasurer of each county in which the assessment roll is filed.

Assessment roll

47807. When the resolution to cancel is attached to the assessment roll the secretary shall endorse upon the assessment roll after each tract assessed the amount of the assessment as to each particular tract which has been canceled.

Warrants

47808. When a landowner, in any district in which the board has canceled any assessment or portion thereof, has paid all or a part of his pro-rata share of the canceled portion of the assessment levied against his land, the board shall issue a warrant of the district in favor of the landowner in an amount equal to the paid-up portion of his assessment which was canceled, with such interest thereon as the board shall, by resolution, determine to be appropriate to recompense landowners who have paid their assessments for any benefit obtained by other landowners as a result of the cancellation of the interest otherwise payable on their assessment.

Payment

47809. The warrants shall be payable out of the fund of the district into which the proceeds of the assessment had been paid. The board shall not cancel so much of an assessment as to leave insufficient funds for this purpose.

Unpaid bonds

47810. No assessment or part thereof shall be canceled pursuant to this chapter if bonds based thereon and secured thereby have been issued and remain unpaid and provision has not been made for the payment thereof.

CHAPTER 822

An act to add Section 18649 to the Financial Code, relating to exemption of loans of $10,000 or more from regulations.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18649 is added to the Financial Code, to read:

18649. The following sections of this division do not apply to any bona fide loan of a principal amount of ten thousand dollars ($10,000) or more or to an industrial loan company in connection with any such loan if the provisions of this section are not used for the purpose of evading this division. Sections 18650, 18652, 18653, 18655, 18656, 18657, 18658, 18667, 18670, 18671, 18672.

CHAPTER 823

An act to amend Section 69600 of the Government Code, relating to superior court judges for the County of Santa Clara.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 10 judges of the superior court.

CHAPTER 824

An act to add Section 11166.01 to the Health and Safety Code, relating to prescriptions.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11166.01 is added to the Health and Safety Code, to read:

11166.01. An order for narcotics for use by a patient in a county or licensed hospital shall be exempt from all requirements of this article, but shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the narcotic ordered and the quantity actually administered. The record of said orders shall be maintained as a hospital record for a minimum of seven years and shall be available for inspection by all properly authorized officers of the law, including all inspectors of the state division and of the Board of Pharmacy.

CHAPTER 825

An act to amend Section 471.1 of the Vehicle Code, relating to traffic laws.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 471.1 of the Vehicle Code is amended to read:

471.1. Yield Right of Way Signs. (a) The State Department of Public Works in respect to state highways, and any local authority in respect to highways under its jurisdiction, may erect yield right of way signs at one or more approaches to an intersection of streets and highways under its jurisdiction which are not through highways, but such yield right of way signs shall not be erected upon the approaches to more than one of the intersecting streets.

(b) Every yield right of way sign hereafter erected shall carry the message "yield right of way" with letters of the word "yield" at least six inches in height, and shall otherwise conform to the specifications as set forth in the National Manual on Uniform Traffic Control Devices for Streets and Highways.

(c) Every yield right of way sign shall be located at or near the entrance to the intersection where motorists are required to yield the right of way.

CHAPTER 826

An act to amend Section 411 of the Code of Civil Procedure, relating to the service of summons in a suit against a county, city, town, or school district.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. 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:

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.

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.

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.

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.

5. If against a county, city or town: to the president or clerk of the board of supervisors, president or clerk of the council or trustees, or other head of the legislative department or clerk or secretary thereof.

5.1. If the suit is against a school district: to the most recently selected chairman, president, presiding officer, or other head of the board of education or trustees, or to the clerk or the secretary of the board of education or trustees.

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.

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.

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.

9. In all other cases to the defendant personally.

CHAPTER 827

An act to amend Sections 819, 828.65, and 829.45 of, and to add Sections 819.1 and 819.2 to, the Agricultural Code, relating to sweet potatoes.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 819 of the Agricultural Code is amended to read:

819. Sweet potatoes shall be free from mold, decay, and soft and wet rots; and free from serious damage due to a corky condition in the flesh, insect injury, bruises, growth cracks, or other disease, freezing, grass roots, or other causes. Damage to any one sweet potato is not serious unless it causes a waste of 10 percent, by weight, of the individual potato. Sweet potatoes

Not more than 10 percent, by weight, of the sweet potatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause and not to exceed 2 percent shall be allowed for sweet potatoes affected by soft and wet rots.

All containers of sweet potatoes except consumer size units holding 10 pounds or less, shall bear upon them in plain sight and in plain letters on one outside end of each box, lug or carton and either on one side or the top cover of each basket or other similar container, the name of the person who first packed or authorized the packing of the sweet potatoes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

All sweet potatoes when in containers which are closed must be in standard containers numbers 27, 47, 48, 48A, and 50A. The container requirements of this section shall not apply to sweet potatoes in containers which are not closed or in sacks.

SEC. 2. Section 819 1 is added to said code, to read:

819.1. The director may, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, adopt, amend or repeal such rules and regulations as are reasonably necessary to implement the provisions of Section 819 and to establish grades and grade marking requirements for sweet potatoes. In adopting rules and regulations establishing grades for sweet potatoes, the director shall take into consideration the quality, size, and other specifications of the grades for sweet potatoes promulgated by the United States Department of Agriculture. Regulations

SEC. 3. Section 819.2 is added to said code, to read:

819.2. It is unlawful to label any containers of sweet potatoes with any one of the designations of grade established by Labeling

the director unless the sweet potatoes contained therein meet all of the requirements of the grade as marked.

SEC. 4. Section 828.65 of said code is amended to read:

Containers

828.65.

46	Standard cauliflower crate	$8\frac{1}{2}$	18	$21\frac{5}{8}$
47	Sweet potato container	$11\frac{1}{2}$	$10\frac{11}{16}$	$16\frac{3}{8}$
48	Sweet potato container	10	11	$16\frac{3}{4}$
48A	Sweet potato box	$10\frac{1}{2}$	$11\frac{1}{2}$	18

SEC. 5. Section 829.45 of said code is amended to read:

Containers

829.45. 17. Sweet potatoes, numbers 27, 47, 48, 48A, and 50A.

18. Tomatoes, number 27.

19. Asparagus, numbers 51 and 52.

CHAPTER 828

An act to amend Section 2226 of, and to add Sections 3009 and 3408 to, the Welfare and Institutions Code, relating to liens for public assistance.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2226 of the Welfare and Institutions Code is amended to read:

Personal property

2226. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien against the personal property or personal effects of such recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.

SEC. 2. Section 3009 is added to said code, to read:

3009. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien upon any personal property or personal effects of such recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.

SEC. 3. Section 3408 is added to said code, to read:

3408. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien upon any personal property or personal effects of such recipient, or an interment plot as defined in Section 7022 of the Health and Safety Code.

CHAPTER 829

An act to amend an act entitled "Los Angeles County Flood Control Act" approved June 12, 1915, as amended, by amending Sections 3.6 and 13¾ thereof, relating to water conservation and flood control, and declaring the urgency thereof to take effect immediately.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 3.6 of the Los Angeles County Flood Control Act is hereby amended to read:

Sec. 3.6. Any zone established pursuant to Section 3.1 of this act may be terminated by the board of supervisors after a public hearing on the matter. Such hearing may be ordered upon motion of the board, and shall be ordered upon a petition for termination being filed with the clerk of the board, signed by the owners of 10 percent of the taxable real property within the zone as ascertained by reference to the last equalized county assessment roll, or upon the filing with the clerk of a resolution requesting termination adopted by a majority vote of the governing body of any city, or of any public district formed for the purpose of supplying water, all or any part of which is included within the zone. The determination of the percentage of owners of real property signing the petition for termination shall be made and certified to by the assessor in the manner described in Section 3.5.

Notice of such hearing shall be given in the manner described in Section 3.2. The notice shall contain a description of the zone, a general statement of its activities, and the purpose of the hearing.

At the hearing, evidence may be presented concerning the necessity, or lack thereof, for continuing the zone. The hearing may be continued from time to time not to exceed 60 days in the aggregate. If the board determines that such necessity no longer exists, or that the public interest otherwise requires the termination of the zone, or that the real property is no longer benefited, the board shall thereupon by resolution declare the zone terminated for all purposes except those necessary to finance outstanding contracts. When such contracts have been satisfied the zone will terminate for all purposes, effective at the close of the then current fiscal year.

Such a zone shall terminate without hearing at the end of the third or fourth fiscal year during which taxes were, or could have been, levied for zone purposes if certified copies of resolutions requesting such termination are filed with the board of supervisors, as hereinafter provided, on or before 60 days prior to the date of the requested termination. Such resolutions shall be sufficient if adopted by a majority vote of the governing bodies of cities or of public districts formed for

the purpose of supplying water within which cities or public districts or both, there is taxable real property situated within the zone having an assessed value equal to not less than 35 percent of the assessed value of all of the taxable real property within the zone, as shown by the equalized assessment roll of such fiscal year.

If not sooner terminated, such zone shall terminate without hearing at the end of the fifth fiscal year during which taxes were, or could have been, levied for zone purposes. A new zone comprising or including all or any part of an original zone which has been terminated pursuant to the provisions of this section, shall not be established if protests are filed with the clerk of the board, at least fifteen (15) days prior to the date set for hearing thereon, which protests have been adopted by a majority vote of the governing bodies of cities or of public districts formed for the purpose of supplying water, within which cities or public districts or both, there is taxable real property situated within the proposed zone as described in the notice of hearing, having an assessed value equal to not less than 35 percent of the assessed value of all of the taxable real property within the proposed zone as described in said notice of hearing, as shown on the last equalized assessment roll.

Any remaining funds of a terminated zone shall be added to the general funds of the district and shall be expended by the district for water conservation in a manner beneficial to the area within the terminated zone in addition to that normally performed; provided, that water conservation as herein used shall be deemed to mean and include both acquisition and conservation of waters and such remaining funds may be expended for the purpose of acquiring waters or for the purpose of conserving such waters for the benefit of such area.

SEC. 2. Section 13¾ of the Los Angeles County Flood Control Act is hereby amended to read as follows:

Sec. 13¾. The board of supervisors of the Los Angeles County Flood Control District shall have power to accept on behalf of said district a transfer and conveyance of storm drain improvements and drainage systems lying within the territorial limits of said district whenever the governing body of any public agency owning or exercising jurisdiction over such storm drain and drainage improvements, by resolution describing them, requests the said Los Angeles County Flood Control District to accept the same or when the owner of such storm drain improvement or drainage system tenders a conveyance thereof. Upon such acceptance, the board of supervisors of said district shall thereupon assume sole control and jurisdiction over such storm drain and drainage systems and shall thereafter provide for the operation, maintenance, repair and improvement thereof, except that such flood control district shall not assume or be liable for any bonded indebtedness that may be against the said storm drain or drainage systems. Any city or county within whose limits any storm drain or

drainage system has been constructed, and which storm drain or drainage system also lies within the territorial limits of said Los Angeles County Flood Control District, may, by a four-fifths vote of the legislative body of such city or county, transfer and convey to said flood control district any such storm drain or drainage systems for future operation, maintenance, repair and improvement, and upon acceptance of any storm drain improvement under this section the board of supervisors of said flood control district shall have power, and it shall be its duty, to levy a special tax each year upon the taxable real property in said district sufficient to pay the cost and expenses of operating, maintaining, repairing and improving such storm drain and drainage systems so transferred and accepted, excepting only the payment of interest and principal on any outstanding bonds for which the said district shall not be liable. Said special tax shall likewise be levied, collected and expended to pay the cost and expenses of operating, maintaining, repairing and improving all storm drain improvements or drainage systems, or both, constructed by said district with bond funds authorized at any bond election held under the authority of this act. Said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said flood control district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to the taxes authorized to be levied under Section 14 of this act but may be levied with the taxes authorized under Section 13½ of this act.

SEC. 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:

On July 1, 1957, certain water conservation zones established within the Los Angeles County Flood Control District will cease to exist. Tax funds collected within such zones for the acquisition of imported or reclaimed water will not be expendable for that purpose after that date. In order that such funds may be expended for the purpose for which they were raised and such waters conserved within and for the benefit of the area constituting such zones, this act must be affective immediately.

CHAPTER 830

An act to add Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, to the Fresno Metropolitan Flood Control Act (Ch. 503, Stats. 1955), relating to annexation and exclusion.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31 is added to the Fresno Metropolitan Flood Control Act (Ch. 503, Stats. 1955), to read:

Sec. 31 Any tract of land may be annexed to the district if the land will be benefited, and any tract of land within the district may be excluded if not benefited, pursuant to this section. Such land so annexed need not be contiguous if such annexed land contains not less than 20 acres of privately owned land.

The board of directors of the district may initiate annexation or exclusion proceedings by the adoption of a resolution of intention, or such action may be commenced by the filing of a petition.

SEC. 2. Section 32 is added to said act, to read:

Sec. 32. A petition for annexation or exclusion shall be filed by not less than 25 percent in number of the owners of land owning not less than 25 percent of the total acreage proposed to be annexed or excluded, and shall be addressed to and filed with the board.

SEC. 3. Section 33 is added to said act, to read:

Sec. 33. The petition shall contain:

1. The reason for annexation or exclusion of the land,
2. A description of the boundaries of the land, and
3. The assents of petitioners to the annexation or exclusion.

SEC. 4. Section 34 is added to said act, to read:

Sec. 34. Upon filing of the petition, or upon initiation of annexation or exclusion proceedings by the board, the board shall fix a time and place for a hearing, which hearing shall be not less than 30 days subsequent to such filing or to the adoption of such resolution of intention, and shall cause notice of such filing, or adoption of resolution of intention, and of the time and place of the hearing, to be published by publication of notice thereof not less than once a week for three weeks in a newspaper of general circulation, printed and published within the district.

SEC 5. Section 35 is added to said act, to read:

Sec. 35 The notice shall state:

1. The date on which the petition was filed, or the date of adoption of the resolution of intention,
2. The petitioners' names, if any,
3. The location and boundaries of land described in the petition or resolution of intention,

4. The prayer of the petition, if any,

5. The time and place fixed for hearing the petition,

6. If determined by the board of directors, a statement of the payment to be required pursuant to Section 44, and

7. That all persons interested in or affected by such change in the district boundaries may appear and show cause why the change should not be made.

SEC. 6. Section 36 is added to said act, to read:

Sec. 36. At the hearing, the board shall hear all relevant evidence for and against the petition or resolution of intention.

SEC. 7. Section 37 is added to said act, to read:

Sec. 37. Failure to show cause by any person interested in or affected by the change is deemed his assent to any change the board makes in the district boundaries.

SEC. 8. Section 38 is added to said act, to read:

Sec. 38. If the board deems the annexation or exclusion of all or part of the land for the best interest of the district and if no protest is made against a change, the board shall by resolution annex or exclude all or part of the land described in the petition and shall declare the district boundaries as changed.

SEC. 9. Section 39 is added to said act, to read:

Sec. 39. If more than 25 percent of the owners of lands within the territory proposed to be annexed or excluded protest, in writing, such annexation or exclusion to the board, an election shall be called within the area proposed to be annexed or excluded to decide whether the proposed annexation or exclusion shall occur.

SEC. 10. Section 40 is added to said act, to read:

Sec. 40. Upon determining that an election shall be called, the board shall adopt a resolution calling such election, which resolution shall describe the boundaries of the land to be annexed or excluded, the date of the election and the hours which the polls are to be kept open, which hours need not exceed seven consecutive hours, and the polling place, and shall state the proposition:

"Shall the territory described in the resolution adopted by the board of directors on _____, 19___, be (annexed to) (excluded from) the Fresno Metropolitan Flood Control District."

Notice of election shall be given by publishing the resolution at least once a week for two consecutive weeks in a newspaper of general circulation, printed and circulated within the district. No other notice of election need be given. In all other respects the election shall be conducted in accordance with the provisions of the Elections Code relating to general elections in the State of California.

SEC. 11. Section 41 is added to said act, to read:

Sec. 41. If a majority of the votes cast at the election within the area proposed to be annexed or excluded favors such annexation or exclusion, the board shall by resolution

declare the territory annexed or excluded to describe the altered district boundaries.

SEC. 12. Section 42 is added to said act, to read:

Sec. 42. The resolution declaring the changed boundaries shall be entered in the minutes of the board. A certified copy of the resolution shall be filed in the Office of the County Recorder of the County of Fresno, with the Secretary of State of the State of California, with the Assessor of the County of Fresno, and with the State Board of Equalization.

SEC. 13. Section 43 is added to said act, to read:

Sec. 43. Exclusion of territory does not release it from debts and obligations for which it was liable at the time of exclusion.

SEC. 14. Section 44 is added to said act, to read:

Sec. 44. As a condition precedent to annexation, the board may require that the owners of annexed land shall pay a sum equal to the amount of the taxes or assessments which the owners or their grantors would have been required to pay if the annexed land had been included in the district when it was formed.

SEC. 15. Section 45 is added to said act, to read:

Sec. 45. No change in the boundaries of the district shall impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, or shall affect, impair or discharge any contract, obligation, lien or charge for or upon any lands in the district or for which the district was or might become liable or chargeable had such changes of boundaries not been made.

CHAPTER 831

An act to amend Sections 6305, 6352, 6356 and 6365 of the Water Code, relating to supervision of dams.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6305 of the Water Code is amended to read:

Further fee

6305. In the event the actual cost exceeds the estimated cost by more than 15 percent, a further fee shall be required by the department before final approval and shall be 115 percent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost. No further fee shall be required, however, if such fee is to be computed at less than twenty dollars ($20).

SEC. 2. Section 6352 of the Water Code is amended to read:

Affidavit of actual cost

6352. As soon as possible after giving notice of completion, the owner shall file an affidavit with the department

stating the actual cost of the dam in such detail as the department requires to determine whether a further fee is due. In the event the owner of a new or enlarged dam, because of loss of records, recent change of ownership, or other causes beyond his control, is unable to report the actual cost of construction or enlargement, he shall file an affidavit to this effect, stating the reasons therefor, within 30 days after receiving a written request therefor from the department. The department shall then make its own appraisal of the cost of construction or enlargement and determine what further fee, if any, is required. Upon making a determination that a further fee is required, the department shall notify the owner by certified mail of the amount of such fee within 15 days and shall notify the owner that he may appear within 60 days thereafter before an authorized representative of the department to protest the amount of the fee, in whole or in part, determined by the department to be required, and the sufficiency of the appraisal upon which such determination was based.

SEC. 3. Section 6356 of the Water Code is amended to read:

6356. Pending issuance of a certificate of approval by the department the dam shall not be used except upon written request by the owner and written consent from the department and subject to such conditions as may be imposed by it for the protection of life and property. Use prior to approval

SEC. 4. Section 6365 of the Water Code is amended to read:

6365. No repaired or altered dam shall be used prior to the issuance of a new certificate of approval or a supplemental certificate of approval except upon written request by the owner and written consent from the department and subject to such conditions as may be imposed by it for the protection of life and property.

CHAPTER 832

An act to amend Sections 92.7 and 92.8 of the Agricultural Code, relating to fairs.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 92.7 of the Agricultural Code is amended to read:

92.7. There is hereby created the Fairs Classification Committee which shall consist of the following: Fairs Classification Committee

(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.

In each area and prior to November 15th of each even-numbered 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.

In January of each odd-numbered 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

(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.

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. 2. Section 92.8 of said code is amended to read:

92.8. The Fairs Classification Committee shall meet at least once in 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. Meetings and classification of fairs

The committee shall classify 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, and such other characteristics and factors as the committee deems necessary.

(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.

The committee shall submit a report to the Legislature and to the Director of Finance on or before the fifteenth of February of each year.

CHAPTER 833

An act to amend Section 1625 of the Welfare and Institutions Code, relating to the revocation or suspension of licenses to operate boarding homes or institutions for children.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1625 of the Welfare and Institutions Code is amended to read:

1625. Failure to comply with any rule or regulation promulgated under Section 1621 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 834

An act to add Section 458.5 to the Vehicle Code, relating to highways.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 458.5 is added to the Vehicle Code, to read:

458.5. Private Roads. The provisions of this code shall not prevent any city within the reasonable exercise of its police power from adopting rules and regulations by ordinance or resolution, regulating vehicular traffic on privately owned and maintained roads located within the boundary of such city, except that no such ordinance or resolution shall be effective until signs giving notice thereof are posted on the roads affected. The provisions of this section shall not apply to any city in which there are publicly maintained city streets.

CHAPTER 835

An act to amend Sections 687, 687.1 and 687.2 of the Vehicle Code, relating to signs on vehicles.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 687 of the Vehicle Code is amended to read:

Identification

687. Application of Chapter. No motor vehicle, or combination of vehicles, 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.

SEC. 2. Section 687.1 of said code is amended to read:

Display

687.1. Display. There shall be displayed on both sides of each motor vehicle, or on one of the vehicles in each combination of vehicles, mentioned in Section 687 the name or trademark of the person under whose authority the vehicle or combination of vehicles is being operated.

SEC. 3. Section 687.2 of said code is amended to read:

Size, shape, etc

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 shall be of such size, shape and color as to be readily legible during daylight hours, from a distance of 50 feet.

This section does not prohibit additional displays not inconsistent with the provisions of this chapter.

CHAPTER 836

An act respecting the tidelands and submerged lands granted to the City of Coronado pursuant to Chapter 49, Statutes of 1923, Chapter 293, Statutes of 1931, and Chapter 1563, Statutes of 1947, located in San Diego Bay, and granting additional lands to said city, and reserving certain rights to the State of California.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Coronado, a municipal corporation, and its successors, all the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, situated on the Coronado side of San Diego Bay and within Glorietta Bay, a part of said San Diego Bay, County of San Diego, State of California, lying between the line of mean high tide as set out on a map entitled "Map Showing Location of Mean High Tide Line or Ordinary High Water Mark, Within Corporate Limits of City of Coronado, California, dated October, 1931, and filed at the request of the City of Coronado on March 11, 1932, designated Miscellaneous Map No. 121, file number 11037, Official Records, San Diego County," and a straight line drawn between Stations 183 and 189 of the pierhead line in said Glorietta Bay as said pierhead line has been established and shown on map of harbor lines of San Diego Bay by the United States Corps of Engineers in May, 1952, 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:

(a) That said lands shall be used by said city for the establishment, improvement and conduct of the harbor, for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion of commerce, navigation and fisheries; but said city 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; except that said City of Coronado may grant franchises thereon for wharves, docks, piers, slips, quays, and any other public uses and purposes, and may lease said lands or any part thereof for any of said uses or purposes hereinabove enumerated, or for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation of said harbor, to persons, firms or corporations for a period not exceeding 50 years; provided, however, that said city may have the right to renew such lease or leases for the

further term not exceeding 25 years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases; provided further, that said lands may also be used for the construction, maintenance and operation of public buildings, public works and playgrounds, and for public recreational purposes, to the extent that such uses and purposes do not interfere with the use of said lands for commerce and navigation.

Every such lease shall provide for the payment of rentals to the City of Coronado, which said rentals shall either be at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said City of Coronado be required to make any improvements on or for the benefit of the leased lands Every lease so executed shall reserve to the city council and to the people of the City of Coronado, the right and privilege, by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said city without expense to the State of California, and it shall always remain a public harbor for all purposes of commerce, 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 land or any part thereof for any vessel or other watercraft or railroad, owned and operated by the State of California.

(c) That in the management, conduct or operation of said harbor or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized, or permitted by said city.

(d) Reserving, however, for 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 purpose.

(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.

(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, or for the purposes of a toll tube or other toll highway crossing of San Diego Bay, 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 such purpose or purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 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 San Diego 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.

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.

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 by air and water.

CHAPTER 837

An act to amend Sections 72757 and 72759 of the Government Code, relating to municipal courts.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 72759 of the Government Code is amended to read:

72759. In addition to the provision of Section 72190 relating to qualifications, the jury and traffic commissioner shall be appointed from the staff of court clerks and shall receive an annual salary equal to that specified in Section 72706, Government Code, for Commissioners of the Municipal Court, Los Angeles Judicial District. He shall be a member of any retirement system which includes clerks and deputy clerks of said court. The jury and traffic commissioner shall continue to be the clerk or deputy clerk of said judicial district in such position as he has theretofore been appointed without additional compensation. The requirements relating to qualifications do not apply to any jury and traffic commissioner who was an incumbent on January 1, 1957.

Jury and traffic commissioners

SEC. 2. Section 72757 of said code is amended to read:

72757. In each municipal court district having not more than five judges nor less than two judges authorized by law, a

Appointment by judges

jury and traffic commissioner may be appointed by and hold office at the pleasure of the majority of the judges, or the senior judge in service in a municipal court district having two judges.

CHAPTER 838

An act to amend Section 34853 of the Government Code, relating to city manager ordinances.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 34853 of the Government Code is amended to read:

34853. Where the ordinance is submitted by the legislative body, the proposition shall be printed on the ballots substantially as follows: "Shall Ordinance No. _____ providing for a city manager form of government be adopted?" followed by the words "yes" and "no," so printed that the voters may express their choice.

CHAPTER 839

An act to amend Section 38792 of the Government Code, relating to dog license fees.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 38792 of the Government Code is amended to read:

38792. The legislative body of a city may impose and collect an annual license not exceeding three dollars ($3) on every male dog and spayed female and five dollars ($5) on every female dog owned or harbored within the city limits.

CHAPTER 840

An act to amend Section 11892 of the Public Utilities Code, relating to revolving funds of municipal utility districts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11892 of the Public Utilities Code is amended to read:

11892. To facilitate the business of the district the board may provide for the creation and administration of such revolving funds as the needs of the district may require. The aggregate amount of such funds shall not exceed thirty thousand dollars ($30,000). The revolving funds shall be disbursed in accordance with rules established by the board, and all payments from any revolving fund shall be reported to the board and vouchers filed therefor.

CHAPTER 841

An act to add Section 18053.1 to the Education Code, relating to the purchase by public corporations or agencies of personal property for school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 18053.1 is added to the Education Code, to read:

18053.1. Notwithstanding any other provisions of this article, the governing board of any school district without advertising for bids may authorize by contract, requisition or purchase order, any public corporation or agency within the county whose superintendent of schools has jurisdiction over such school district, including the county, any city, town, district, or other school district of such county under the jurisdiction of the same county superintendent of schools, to purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the district in the manner in which such other public corporation or agency is authorized by law to make such purchases. Upon receipt of any such personal property, provided the same complies with the specifications set forth in the contract, requisition or purchase order, the school district shall draw a warrant in favor of such other public corporation or agency for the amount of the approved invoice, including the reasonable costs to such other public corporation or agency for furnishing the services incidental to the purchase of such personal property.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act will permit a school district to authorize another public corporation or agency to purchase materials, supplies and equipment for it in cases where such materials, supplies and equipment can be purchased at a lower price through

such other public corporation or agency. Such quantity purchases will result in substantial savings of public funds for each public agency involved.

School districts customarily make their purchases of school supplies for the ensuing year by contracting for the same before the beginning of the new school year on July 1st and providing in such contracts that such supplies shall be delivered after July 1st in order to make such purchases a charge against the funds of the ensuing school year.

In order for school districts to take advantage of this act in making purchases of school supplies for the school year beginning July 1, 1957, so that such supplies will be available when schools open in September, it is necessary that this act take effect at the earliest possible time.

CHAPTER 842

An act to add Section 1092.5 to the Government Code, to add Section 1011.5 to the Education Code, and to amend Section 32108 of the Health and Safety Code, relating to the interest of public officers in public contracts.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1092.5 is added to the Government Code, to read:

Membership Nonprofit corporation

1092.5. An officer shall not be deemed to be interested in a contract within the meaning of Section 1090 of this code solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such officer.

SEC. 2. Section 1011.5 is added to the Education Code, to read:

Same

1011.5. A board member shall not be deemed to be interested in a contract within the meaning of Section 1011 of this code solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such member.

SEC. 3. Section 32108 of the Health and Safety Code is amended to read:

32108. Any director or officer of the district who is in any manner interested in any contract awarded or to be awarded by the board, or in the profits to be derived from the contract, is guilty of a misdemeanor. Conviction shall also work a forfeiture of his office. Misdemeanor and forfeiture of office

A director or officer shall not be deemed to be interested in a contract within the meaning of this section, or in the profits to be derived therefrom, solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such director or officer.

CHAPTER 843

An act to amend Section 816.5 of the Public Utilities Code, relating to public utilities.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 816.5 of the Public Utilities Code is amended to read:

816.5. Nothing contained in this article shall be construed to require a highway common carrier, a petroleum irregular route carrier or passenger stage corporation to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle equipment or any note and chattel mortgage on motor vehicle equipment securing the payment of all or any part of the purchase price of motor vehicle equipment.

CHAPTER 844

An act to amend Sections 43611 and 43620 of, and to add Section 43610.1 to the Government Code, relating to city bonds.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 43610.1 is added to the Government Code, to read:

Estimated cost

43610.1. The ordinance may provide that the estimated cost stated therein of the public improvements includes any or all of the following:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the issuance and sale of the bonds.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the ordinance.

This section shall not be construed to authorize a city to use the proceeds of the sale of bonds for a purpose for which it could not use its general fund.

SEC. 2. Section 43611 of said code is amended to read:

Publication

43611. The ordinance shall be published once a day for at least seven days in a newspaper published at least six days a week in the city, or once a week for two weeks in a newspaper published less than six days a week in the city.

If there are no such newspapers, it shall be posted in three public places in the city for two succeeding weeks.

No other notice need be given.

SEC. 3. Section 43620 of said code is amended to read:

Maturity

43620. The legislative body may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds and in the case of bonds issued for the acquisition, construction, or completion of revenue-producing public works may fix a date not more than 10 years from the date of issuance for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year; provided, however, the bonds of any issue or series irrespective of the purpose for which the same are to be issued may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

CHAPTER 845

An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 5, 1957 Filed with Secretary of State June 6, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7031 of the Business and Professions Code is amended to read:

7031. No person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action in any court of this State for the collection of compensation for the performance of any act or contract for which a license is required by this chapter without alleging and proving that he was a duly licensed contractor at all times during the performance of such act or contract.

Until the expiration of six months from the date of a suspension of a license pursuant to Section 7068, the provisions of this section do not apply to any person whose license was suspended pursuant to Section 7068 for failure to notify the registrar within the 10-day period, if such failure was due to inadvertence.

CHAPTER 846

An act to amend Section 24354.9 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24354.9 of the Health and Safety Code is amended to read:

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. The board may adopt regulations and by-laws for the organization and administration of the district and may, in such regulations, provide for amendment and repeal thereof.

CHAPTER 847

An act to amend Section 24367.13 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24367.13 of the Health and Safety Code is amended to read:

24367.13. In such a special proceeding after any decision of the hearing board the court is authorized to exercise its independent judgment on the evidence and to make 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.

CHAPTER 848

An act to amend Section 24352.5 of the Health and Safety Code, relating to air pollution.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 24352.5 of the Health and Safety Code is amended to read:

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 six hundred dollars ($600) in any one year.

CHAPTER 849

An act to amend Section 33002 of, and to add Sections 33204 and 33231.5 to, the Health and Safety Code, relating to redevelopment.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 33002 of the Health and Safety Code is amended to read:

"Agency"

33002. "Agency" means a redevelopment agency created by this part or its predecessor, or a legislative body which has elected to exercise the powers granted to an agency by this part.

SEC. 2. Section 33204 is added to said code, to read:

Dissolution

33204. The legislative body of the community may order the dissolution of an agency if the agency has no outstanding bonded indebtedness, and if the unanimous written consent of the members of the agency is first obtained.

SEC. 3. Section 33231.5 is added to the Health and Safety Code, to read:

Legislative body

33231.5. As an alternative to the appointment of five (5) members of the agency, the legislative body may, at the time

of the adoption of a resolution pursuant to Section 33201 or 33203 of this part, declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

CHAPTER 850

An act to amend Sections 155, 2612.5, 2804 and 2805 of, and to add Section 2612.6 of, and to repeal Section 4188, of the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 155 of the Revenue and Taxation Code is amended to read:

155. By an order entered on its minutes and certified to the county auditor, the time fixed in this division for the performance of any act by the assessor, auditor, tax collector, or county board may be extended by the board for not more than 20 days, or, in case of public calamity, 40 days. If the board grants an extension of time, there shall be the same extension of time for any act of the board dependent on the act for which time was extended. Extensions

SEC. 2. Section 2612.5 of said code is amended to read:

2612.5. The tax collector shall issue separate tax bills for tax-sold property and property which is not tax delinquent. Separate tax bills

Where tax-sold property and property which is not tax delinquent have been included or combined in one assessment, the tax collector may request the assessor to make a separate valuation of each such property, and the assessor shall within 10 days from and after the date of any such request make each such valuation and notify the auditor thereof.

SEC. 3. Section 2612.6 is added to said code, to read:

2612.6. The auditor shall enter the descriptions and the separate valuations on the roll in lieu of the original assessment, shall compute the taxes and penalties thereon and notify the tax collector thereof. Tax roll

SEC. 4. Section 2804 of said code is amended to read:

2804. The application shall be made after the first Monday in July and before any payment but not after November 30th. Application

SEC. 5. Section 2805 of said code is amended to read:

2805. The application shall be accompanied by:

Same (a) The full amount of taxes on personal property and possessory interests which are a lien on the real property in the original assessment.

(b) An affidavit of interest.

Repeal SEC. 6. Section 4188 of the Revenue and Taxation Code is repealed.

CHAPTER 851

An act to amend Section 790.1 of the Fish and Game Code, and amend Section 8281 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to crabs.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 790.1 of the Fish and Game Code is amended to read:

Crabs 790.1. Crab meat and frozen whole crabs or parts thereof, which are taken during the open season, may be possessed, transported, and sold at any time, subject to the rules and regulations of the commission. The cost of inspection and marking, under the rules and regulations of the commission, shall be paid by the owner or seller of such crab meat, crabs, or parts thereof.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats. 1957, Ch. 456 SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 790.1 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 852

An act to amend Sections 18007 and 18031 of the Streets and Highways Code, relating to street lighting.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18007 of the Streets and Highways Code is amended to read:

"Improvement" 18007. "Improvement," and any of its variants, include the maintenance or servicing, or both, of all or part of any

one or more street lighting systems and, where applicable, the installation of street lighting systems owned by any public utility subject to the jurisdiction of the Public Utilities Commission of the State of California.

SEC 2. Section 18031 of the Streets and Highways Code is amended to read:

18031. The city shall not be limited by the provisions of this part to the maintenance or servicing of street lighting systems, or any part thereof, owned only by the city, but the city council may also order such maintenance or service to be furnished upon street lighting systems provided and installed or to be installed by, and remaining the property of, any public utility, public corporation, or other person with whom a contract is entered into for such maintenance or service and may assess the costs and expenses of such maintenance, service, or installation in accordance with the provisions of this part. Maintenance or servicing

---

CHAPTER 853

An act to add Chapter 5.5 (commencing at Section 18080) to Part 1, Division 14, of the Streets and Highways Code, relating to the annexation of territory to lighting assessment districts.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing at Section 18080) is added to Part 1 of Division 14 of the Streets and Highways Code, to read:

CHAPTER 5 5. ANNEXATION OF ADDITIONAL LANDS

18080. Whenever in the opinion of the city council of any city the public interest or convenience may require that body to order the improvement of any street lighting system located on lands in the city outside the boundaries of a district established under the provisions of this part, whether or not such lands are contiguous to the boundaries of such established district, that body may, in lieu of establishing a new district under this part, order the annexation of such lands to an existing district established under this part and may assess, either partly or wholly, the costs and expenses, including all incidental expenses of such improvement, or of any one or more of the items thereof, upon the lands in the district, including the lands thus annexed. Annexation

18081. The procedures applicable to such annexation and the lands so annexed shall, except as otherwise in this chapter expressly provided, be the same as those applicable to the establishment of the district and to the administration of such established district. Procedure

Improvement period

18082. The improvement of the street lighting system within the lands so annexed shall be for a period of time not longer than that fixed for the improvement ordered to be made within the established district to which such lands are annexed.

Contract period

18083 The term of the contract to be let for making the improvement within the lands so annexed shall be for such period of time as will cause such contract to expire or terminate on the same date as the contract let for the improvement to be made in the district as originally established.

CHAPTER 854

An act to amend Section 18041 of the Streets and Highways Code, relating to street lighting.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18041 of the Streets and Highways Code is amended to read:

18041 Such report shall contain the following:

(a) Plans and specifications which shall set out, among other things, the general type of street lighting system in each zone. The lighting systems to be improved shall be divided into zones and in each zone shall be grouped those systems of approximately the same general type. It shall be sufficient description of the location of the lights to be improved if such plans or specifications show or describe the approximate location of the lights.

(b) An estimate of the cost of the improvement, for the period of time during which it is proposed to be continued.

(c) A diagram showing the proposed assessment district and also the boundaries and dimensions of the respective lots or parcels of land within the district, each of which lots or parcels shall be given a separate number upon the diagram. The diagram shall govern for all details as to the extent of the proposed assessment district.

(d) A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several lots or parcels of land in the assessment district in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvement. If any portion or percentage of the costs and expenses of such proposed improvement is ordered to be paid out of the city treasury, the amount of such portion or percentage shall first be deducted from the total estimated cost and expense of such improvement, and the assessment proposed in the report shall include only the remainder of the estimated costs and expenses. The proposed assessment shall refer to such lots or parcels upon the diagram by the respective numbers thereon.

CHAPTER 855

An act to add Section 18004.5 to the Streets and Highways Code, relating to street lighting.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18004.5 is added to the Streets and Highways Code, to read:

18004.5. "Street," and any of its variants, mean and include highways, state highways, roads, avenues, boulevards, alleys, parkways and other public places and ways dedicated to public use, or any portion thereof, within a city or along a boundary of a city.

CHAPTER 856

An act to add Section 24256 to the Government Code, relating to county seats.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24256 is added to the Government Code, to read:

24256. Whenever the law specifies that an office or building shall be located at the county seat and an incorporated city has been designated as the county seat, the location of said office or building may be either within or in the immediate vicinity of the corporate limits of said city.

CHAPTER 857

An act to add Section 1102.5 to the Agricultural Code, relating to eggs.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1102.5 is added to the Agricultural Code, to read:

1102.5. The container of eggs produced in California may be labeled "Produced in California." Any person who labels any eggs not produced in California with such a label or any label designed to represent that such eggs were produced in California is guilty of a misdemeanor.

CHAPTER 858

An act to amend Sections 30754, 30816 and 30817 of the Water Code, relating to appointments in lieu of elections.

In effect September 11, 1957

[Approved by Governor June 5, 1957 Filed with Secretary of State June 6, 1957]

The people of the State of California do enact as follows:

SECTION 1. Section 30754 of the Water Code is amended to read:

Certificate of nomination

30754. The certificate of nomination shall be filed with the county clerk not more than 60 days nor less than 45 days before the election.

SEC. 2. Section 30816 of said code is amended to read:

Publication

30816. In such case the publication provided for in Section 30772 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, or, if no person has been nominated, the board of supervisors shall appoint any qualified person to the position.

SEC. 3. Section 30817 of said code is amended to read:

Appointment

30817. If pursuant to Section 30815 a general county water district election is not held, the board of supervisors of the county in which the district is situated at any meeting held prior to the day fixed for the election shall appoint to the positions of directors those persons nominated, or, if no person is nominated, any qualified persons, who shall qualify, take office, and serve exactly as if elected at a general water district election.

CHAPTER 859

An act to add Section 23010.1 to the Government Code, relating to the loan of funds to county fire protection districts for the acquisition of real or personal property and the construction of structures needed for district purposes.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 23010.1 is added to the Government Code, to read:

23010.1. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any county fire protection district located wholly within the county, for the acquisition of real or personal property and the construction of structures needed for district purposes.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may require the repayment of the loan in equal

annual installments. The loan shall be repaid within the time specified in the resolution which shall not in any event exceed 10 years.

CHAPTER 860

An act to amend Section 784 of the Probate Code, relating to probate sales.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 784 of the Probate Code is amended to read:

784. No sale of real property at private sale shall be confirmed by the court unless the sum offered is at least 90 percent of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale, which value must be the appraised value of such real property within one year prior to the date of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, a new appraisement must be had. This may be done at any time before the sale or confirmation thereof. Such new appraisement may be made by the appraiser who made the original appraisement without further order of court or further request for the appointment of a new appraiser. In the case of the death, removal or other disability to act of the original appraiser, or if for just cause, a new appraiser is to be appointed, proceedings for his appointment shall be had as in the case of an original appraisement of an estate.

CHAPTER 861

An act to amend Section 2202 of the Education Code, relating to the rental by school districts of buildings and facilities.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2202 of the Education Code is amended to read:

2202. The governing board of any school district may rent suitable quarters for administrative offices for a period of not to exceed 22 years.

The governing board of any school district may lease buildings and other facilities such as warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, and communication facilities for a period of not to

exceed three years. At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the buildings and other facilities are needed.

CHAPTER 862

An act to add Chapter 7 (commencing at Section 8825) to Part 3, Division 8 of the Health and Safety Code, relating to private cemeteries.

In effect September 11, 1957

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing at Section 8825) is added to Part 3, Division 8 of the Health and Safety Code, to read:

CHAPTER 7. ABANDONMENT

Declaration

8825. A city or county having a nonendowment care cemetery within its boundaries which threatens or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if no human dead have been interred therein for a period of five years immediately preceding the date of the resolution, declare the abandonment of the cemetery as a place of future interment and provide for the removal of all copings and improvements, and may provide for placement, level with the ground, of all small markers and monuments having a surface of less than 500 square inches, so long as the buried portions contain no engraving.

In the event there has been an authorized burial within the five years preceding the board action, the consent of the person paying for the funeral must be obtained before the taking of any action in accordance with this section.

Resolution

8826. The resolution for abandonment adopted under the provisions of this chapter shall specify and declare that at any time after the expiration of 60 days after the first publication of notice of declaration of intended abandonment, the city or county in which the cemetery is located will remove copings and improvements and provide for the placement, level with the ground, of all small markers and monuments having a surface of less than 500 square inches, so long as the buried portions contain no engraving. Notice shall be given to all persons interested therein by publication in a newspaper of general circulation published in the county. Publication shall be pursuant to Section 6064 of the Government Code.

Removal of copings and improvements

8827. After the publication mentioned in Section 8826 of this code and after the expiration of the 60 days specified

in the notice, the city or county may remove the existing copings and improvements and provide for the placement, level with the ground, of all small markers and monuments having a surface of less than 500 square inches, so long as the buried portions contain no engraving.

Pioneer memorial park

8828. After the work has been completed, the governing body shall immediately thereafter, by resolution, dedicate such abandoned cemetery as a pioneer memorial park and forthwith cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

8829. Thereafter the city or county shall maintain said pioneer memorial park so that it will not endanger the health, safety, comfort, or welfare of the public.

CHAPTER 863

An act to amend Section 11829 of the Public Utilities Code, relating to municipal utility district elections.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11829 of the Public Utilities Code is amended to read:

11829. The board shall in the notice, ordinance, or resolution calling an election consolidate it with the general election to be held at the same time in the respective counties in which the district is located and authorize the respective boards of supervisors to canvass the returns and certify the result of the canvass to the board. It shall be the duty of the board or boards of supervisors to so consolidate the election, canvass the returns, and cause the result thereof to be properly certified to the board of directors of the district. The election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used. When the county precinct boundaries do not coincide with the boundaries of the wards in the district, the board or boards of supervisors shall, for the purpose of the election only, reprecinct the territory in which the boundaries do not coincide, at least 30 days before the election.

CHAPTER 864

An act to add Section 37361 to the Government Code, relating to cities.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 37361 is added to the Government Code, to read:

37361. The legislative body may acquire property for the preservation or development of a historical landmark. It may also acquire property for the development of recreational purposes and facilities in connection therewith.

CHAPTER 865

An act to amend Section 6630 of, and to add Sections 6549.5 and 6549.6 to, the Business and Professions Code, relating to barber shops.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 6, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6549.5 is added to the Business and Professions Code, to read:

Certificate

6549.5. No certificate to conduct a barber shop shall be issued unless the owner of the shop gives 30 days' notice to the board before the initial opening of the barber shop.

SEC. 2. Section 6549.6 is added to said code, to read:

Inspection

6549.6. Within 30 days after receiving the notice required by Section 6549.5, the board or its agents or assistants shall inspect the barber shop. No certificate to conduct a barber shop shall be issued unless the shop complies with the applicable requirements of this chapter and the applicable rules and regulations of the board adopted pursuant to this chapter.

SEC. 3. Section 6630 of said code is amended to read:

Fees

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 inspection fee to be paid by an applicant to conduct a new barber shop is twenty-five dollars ($25). The fee to be

paid for the annual renewal of a certificate to conduct a barber shop is three dollars ($3).

(g) The restoration fee for an expired license is five dollars ($5).

(h) 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).

(i) 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 866

An act to amend Section 30657 of the Streets and Highways Code, relating to San Francisco Bay crossings.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 6, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 30657 of the Streets and Highways Code is amended to read:

30657. The authority, to the extent that it finds it feasible to do so in connection with the financing of the Southern Crossing and the approaches thereto, shall include sufficient funds in any borrowing or issuance of bonds therefor to provide such amounts as will be necessary for the construction of the approaches mentioned in Section 30654 on each side of San Francisco Bay. Notwithstanding any other provision of this article, any such borrowing or issuance may take the form of successive issues or series of bonds, as may be determined by the authority to be in the public interest, which successive issues or series may be sold from time to time as the authority may determine. The expenditure of money in the State Highway Fund for the construction of any of the approaches described in Section 30654 which are part of the State Highway System shall be restricted to money in that fund available for construction of state highways which is required, under Section 188.4, to be expended in the county in which such approaches are located.

CHAPTER 867

An act to add Article 8 (commencing with Section 240) to Chapter 1 of Division 2 of the Fish and Game Code, and Article 8 (commencing with Section 10930) to Chapter 2 of Division 7 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to burros.

In effect September 11, 1957

[Approved by Governor June 6, 1957 Filed with Secretary of State June 7, 1957]

The people of the State of California do enact as follows:

SECTION 1. Article 8 is added to Chapter 1 of Division 2 of the Fish and Game Code, to read:

Article 8. Burro Sanctuary

Burro sanctuary

240. The following is a burro sanctuary: All that area within the following boundaries:

Beginning at the point at which the northern boundary line of Death Valley National Monument intersects with the easterly boundary line of the State of California;

Thence westerly along the northern boundary line of Death Valley National Monument to the point of intersection with the line common to R. 40 and 41 E., Mount Diablo Meridian, being the NE. corner of Sec. 24, T. 10 S., R. 40 E., M. D. B. & M.;

Thence northerly along the line common to R. 40 and 41 E., M. D. M., to the point of intersection with the line common to T. 9 and 10 S., Mount Diablo Base, being the NE. corner of Sec. 1, T. 10 S., R. 40 E., M. D. B. & M.;

Thence westerly along the line common to T. 9 and 10 S., M. D. B., and the prolongation thereof, to the point of intersection with the most easterly boundary line of the Inyo National Forest, as such boundary exists on the effective date of this act, being the NW. corner of Sec. 6, T. 10 S., R. 37 E., M. D. B. & M.;

Thence southerly and easterly along the most easterly boundary line of the Inyo National Forest to the most easterly southeast corner of said national forest;

Thence in a direct line in a generally southeasterly direction to the point at which the center line of State Highway Route 127 (No. 190) intersects with the line common to R. 41 and 42 E., M. D. M.;

Thence southerly along the line common to R. 41 and 42 E., M. D. M., to the point of intersection with the line common to T. 20 and 21 S., M. D B., being the SW. corner of Sec. 31, T. 20 S., R. 42 E., M. D. B & M ;

Thence westerly one-half mile, more or less, along the line common to T. 20 and 21 S., M. D. B., to the point of intersection with the line common to R. 41 and 42 E., M. D. M., being the NW. corner of Sec. 6, T. 21 S., R. 42 E., M. D. B. & M.;

Thence southerly along the line common to R. 41 and 42 E., M. D. M., to the point of intersection with the boundary line between Inyo and San Bernardino Counties;

Thence easterly along said county boundary line to the point of intersection with the easterly boundary line of the State of California;

Thence northwesterly along said easterly boundary line of the State to the point of beginning.

Protection

241. Except as otherwise provided in Section 1403 of this code it is unlawful to take, possess, harm, molest, harass, or in any manner interfere with any burro which is in the burro sanctuary described in Section 240 of this code. Any violation of these provisions is a misdemeanor.

The provisions of this section, other than those relating to the taking and possession of burros, do not apply to persons while lawfully on lands included within the sanctuary and engaged in the business of raising cattle.

NOTE The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code

Effect. Stats 1957, Ch. 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Article 8 (commencing with Section 240) of Chapter 1, Division 2 of the Fish and Game Code, adopted in 1933, is repealed

---

CHAPTER 868

An act to add Section 809.5 to the Agricultural Code, relating to fruits, nuts, and vegetables.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 809.5 is added to the Agricultural Code, to read:

809.5. Notwithstanding any provision of this chapter, walnuts which fail to comply with the size, quality, or marking requirements of this chapter may be transported to an adjoining state from the orchard or field where they were produced, or from a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning such walnuts, when transported under a permit issued pursuant to this section, which permit shall be attached to each load or lot so transported. The permit may be issued by the commissioner of the county from which the walnuts are to be transported when such commissioner has satisfactory verifica-

tion by a like officer of the state of destination that the walnuts are to be transported to a purchaser for processing, grading, packing, or reconditioning on the premises of the purchaser. Such verification shall include a statement that such official will report to the commissioner who issued the permit as to the processing, grading, packing, or reconditioning use to which the walnuts transported under the permit were actually put by the purchaser thereof.

CHAPTER 869

An act to amend Sections 27281, 27320, 27331, 27364, 27367, 27375, and 27382 of, and to repeal Section 27380.5 of, the Government Code, relating to recordation of documents.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 27281 of the Government Code is amended to read:

Certificate of acceptance

27281. Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate of acceptance attached to or printed on the deed or grant. The certificate of acceptance shall be in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to _____, a political corporation and/or governmental agency is hereby accepted by order of the _____ (legislative body) on _____ (date), and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____ By _____

A political corporation or governmental agency by a general resolution may authorize an officer or agent to accept and consent to such deeds or grants. A certified copy of the resolution shall be recorded with the county recorder.

SEC. 2. Section 27320 of said code is amended to read:

Recordation

27320. When any instrument authorized by law to be recorded is deposited in the recorder's office for record, the recorder shall endorse upon it the proper filing number in the order in which it is deposited, the year, month, day, hour, and minute of its reception, and the amount of fees for recording. He shall record it without delay, together with the acknowledgments, proofs, and certificates written upon or annexed to it, with the plats, surveys, schedules, and other papers thereto annexed, and shall note on the record its filing number, the

exact time of its reception, and the name of the person at whose request it is recorded.

SEC. 3. Section 27331 of said code is amended to read:

27331. When a notice of the tax lien is filed, the recorder shall forthwith enter it in an alphabetical federal lien tax index provided by the board of supervisors, showing on one line the name of the taxpayer named in the notice, the collector's serial number of the notice, the date of filing, and the amount of tax assessed. He shall file and keep all original notices so filed in numerical order in a file provided by the board of supervisors and designated federal tax lien notices. Tax lien

SEC. 4. Section 27364 of said code is amended to read:

27364. The fee for each certificate under seal is seventy-five cents ($0.75). Fees

SEC. 5. Section 27367 of said code is amended to read:

27367. The fee for examining the copy of any instrument or document for certification purposes, presented concurrently with the instrument or document filed for record, is twenty-five cents ($0.25) for each page as defined in Section 27361.5 or fraction thereof compared with the original.

SEC. 6. Section 27375 of said code is amended to read:

27375. The fee for taking an acknowledgment of any instrument is seventy-five cents ($0.75).

SEC. 7. Section 27382 of said code is amended to read:

27382. The fee for filing and indexing each notice of lien and each certificate of discharge for internal revenue taxes is one dollar ($1).

SEC. 8. Section 27380.5 of said code is repealed. Repeal

CHAPTER 870

An act to add Section 4884 to the Business and Professions Code, relating to licensees of veterinary medicine.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4884 is added to the Business and Professions Code, to read:

4884. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental 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; provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration of sanity. 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 871

An act to amend Section 28156 of the Government Code, relating to compensation for public service in counties of the fifty-sixth class.

In effect September 11, 1957

[Approved by Governor June 6, 1957 Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28156 of the Government Code is amended to read:

28156. In a county of the fifty-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, one thousand and sixty dollars ($1,060) a year.

(b) The district attorney three thousand six hundred dollars ($3,600) a year and his necessary traveling expenses, to be allowed by the board of supervisors.

(c) Each supervisor, one thousand five hundred dollars ($1,500) a year, for all services rendered as supervisor and member of the board of equalization. He shall also receive six cents ($0.06) for each mile traveled on county business, not to exceed thirty dollars ($30) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five cents ($0.35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

CHAPTER 872

An act to amend Section 21212 of the Public Utilities Code, relating to the California Aeronautics Commission.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 21212 of the Public Utilities Code is amended to read:

21212. Each member of the commission shall receive his actual and necessary expenses and twenty-five dollars ($25) a day for attending meetings of the commission or while acting under its orders.

CHAPTER 873

An act making an appropriation for printing constitutional amendments and other ballot measures, to take effect immediately.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of one hundred thirty-seven thousand two hundred forty-six dollars ($137,246) for printing constitutional amendments and other ballot measures, Secretary of State, in augmentation of the appropriation made by Item 39, Budget Act of 1956.

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 874

An act to amend Section 6025 of the Penal Code, relating to the Board of Corrections.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6025 of the Penal Code is amended to read:

6025. The Board of Corrections is composed of the director, the members of the Adult Authority and of the Youth Authority, the members of the Board of Trustees of the Cali-

fornia Institution for Women and two qualified persons appointed by the Governor, with the advice and consent of the Senate.

The director shall be chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the director is absent or is ineligible to act as a member of the Board of Corrections.

When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

CHAPTER 875

An act to amend Section 50438 of the Government Code, relating to vacation of easements.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 50438 of the Government Code is amended to read:

50438. Before ordering the vacation of all or part of an easement, the city legislative body shall pass and, in the manner prescribed by law, publish or post an ordinance or resolution which shall include:

(a) A declaration of its intention to do so.

(b) A description of the easement or part to be vacated with common certainty, and a reference to a map or plan on file in the office of the clerk.

(c) The time and place for hearing all persons interested in the proposed vacation. The time shall not be less than 15 days from the passage of the ordinance or resolution.

CHAPTER 876

An act to amend Section 22280 of, and to add Section 22234 to, the Water Code, relating to irrigation districts.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 22234 is added to the Water Code, to read:

Powers

22234. A district may contract to operate, maintain, or improve ditches and laterals not owned by the district upon petition of at least two-thirds of the owners of land served by such ditches or laterals.

SEC. 2. Section 22280 of said code is amended to read:

22280. Any district may in lieu in whole or in part of levying assessments fix and collect charges for any service furnished by the district, including any and all of the following: Charges for services

(a) Use, sale, or lease of water, which may include a stand-by charge whether the water is actually used or not.

(b) Delivery of water for irrigation in excess of a specified quantity per unit of land.

(c) Water and the service thereof required by law or provisions of agreements under which all or part of the water supply of the district was acquired to be furnished outside its boundaries to consumers whose rights to service were at the time the supply of water was acquired by the district enforceable by reason of their status as persons of the class for whose benefit the water was appropriated or dedicated.

(d) Use of water for power purposes.

(e) Sale of electric power.

(f) Connections to new pipelines or extensions of existing pipelines required to serve water to lands in the district not adjacent to existing distribution works and which have been constructed in whole or in part at the expense of the district.

(g) Services performed under contracts made pursuant to Section 22234.

CHAPTER 877

An act to amend Section 9767 of the Government Code, relating to state printing.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 9767 of the Government Code is amended to read:

9767. The State Printing Office shall print at least 1,200 copies of the statutes of each session prepared at the direction of the Department of Finance.

CHAPTER 878

An act to amend Sections 74042 and 74043 of the Government Code, relating to the municipal court established in the Palo Alto-Mountain View District.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 74042 of the Government Code is amended to read:

Clerk

74042. There shall be one clerk who shall also act as secretary to the judges and who shall receive a monthly salary as set forth in Section 73392.

SEC. 2. Section 74043 of said code is amended to read:

74043. The clerk may appoint:

Deputies

(a) One senior deputy clerk who shall be chief deputy clerk and who shall receive a monthly salary as set forth in subdivision (a) of Section 73393.

(b) Two deputy clerks, grade III, each of whom shall receive a monthly salary as set forth in subdivision (b) of Section 73393.

(c) Eight deputy clerks, grade II, each of whom shall receive a monthly salary as set forth in subdivision (c) of Section 73393.

(d) Six deputy clerks, grade I, each of whom shall receive a monthly salary as set forth in subdivision (d) of Section 73393.

CHAPTER 879

An act to amend Section 827 of, and add Sections 827.1, 827.2, 827.3, 827.4, 827.5, 827.6, and 827.7 to, the Agricultural Code, relating to apples.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 827 of the Agricultural Code is amended to read:

Definitions

827. As used with reference to apples in this chapter:

(a) "Hand picked" means apples which do not show evidence of having been on the ground.

(b) "Clean" means free from dust or dirt and free from visible spray residue.

(c) "Well packed" means packed in regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the standard wooden box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box being properly wrapped, with the exception of the bottom layer, which may be flagged.

(d) "Place packed" means that the apples are not wrapped and are arranged compactly in layers throughout the container. Such apples need not be uniform in size or in count between the layers.

(e) "Flagged" means incompletely covered by the use of wrappers which are not closed.

(f) "Uniform in size" means in boxes containing 125 apples, or less, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross section between the fruits in any one container; in boxes containing 138 apples, or more, a variation of not more than three-eighths of one inch when so measured.

(g) "Cross section" means that section of the apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

(h) "Properly matured" means that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of minimum maturity, based upon the known factors of maturity, which will insure palatibility and the proper completion of the ripening process. Apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening and Fall Pippin need not be properly matured in order to meet the requirements of any grade except extra fancy. Apples of the Bellefleur variety, which are of a size that will not pass through a ring $2\frac{3}{4}$ inches in diameter, need not be properly matured to meet the requirements of "C" grade when the apples are place packed or loose, but apples of the Bellefleur variety shall be properly matured to meet the requirements of the "C" grade when in combination grades.

(i) "Insect pests" include San Jose scale, codlin moth and other insects or the larvae, nymphs or pupae thereof, and any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial well healed codlin moth stings.

SEC. 2. Section 827.1 is added to said code, to read:

827.1. As to apples produced in California, the commissioners, under the supervision of the director, may determine, prior to the harvesting season, that apples of designated varieties in any area, county, or district within a county are, or will be, considered to be properly matured on a specified date, which date shall be announced by the commissioners. Designation of varieties shall be on the basis of availability of adequate data covering the known factors which determine maturity. The director may promulgate and adopt rules and regulations to establish minimum maturity standards for apples of designated varieties in any area, county, or district within a county. The determination as to maturity shall be based upon known factors of maturity, including soluble solids content of the juice, pressure test, size, color, condition of the flesh or other recognized methods of measuring the maturity of apples. Maturity standards

SEC. 3. Section 827.2 is added to said code, to read:

827.2. Dates of maturity shall be established by the commissioners, under the supervision of the director, for areas, counties, or districts within counties, taking into Maturity date

consideration location, climatic conditions or other factors, which are known to produce apples which vary as to the dates of maturity. Such date of maturity shall be based upon an investigation including the testing of the apples from representative orchards in each area and shall be set when such tests generally indicate that the apples in each such area are, or will be, properly matured. The commissioners shall prepare records, based on the factors of maturity used each year, and submit them to the director.

SEC. 4. Section 827.3 is added to said code, to read:

Harvest

827.3. If the enforcing officers find that apples in certain orchards in an area, a county or district within a county, do not meet the minimum standards of maturity as prescribed by the director, the apples in such orchards shall not be harvested until such orchards are released by the enforcing officer.

SEC. 5. Section 827.4 is added to said code, to read:

Effective area

827.4. The provisions of Sections 827.1 to 827.6, inclusive, shall be effective only in the counties or districts within a county, where the apples are produced.

SEC. 6. Section 827.5 is added to said code, to read:

Application

827.5. The provisions of Sections 827.1 to 827.6, inclusive, shall not be made effective with respect to varieties of apples regulated as to maturity by specific standards elsewhere in this code, or to the Gravenstein varieties.

SEC. 7. Section 827.6 is added to said code, to read:

Transportation

827.6. Notwithstanding the provisions of Section 830, apples being transported to another county or district within a county for grading or packing shall be properly matured before such movement. It is unlawful for any person to cause to be transported for grading or packing apples grown in California to another county or district within a county unless an enforcing officer has issued a disposal order to such person. The requirement that each load of such apples be accompanied by a disposal order shall not apply when all districts have been released.

SEC. 8. Section 827.7 is added to said code, to read:

Imported apples

827.7. The provisions of Sections 827.1 to 827.6, inclusive, do not apply to apples shipped into California from outside of the State; however, such apples shall be properly matured as required in Section 821 or accompanied by an official certificate stating that such apples, at the time of harvest, met the maturity requirements of the state of origin.

CHAPTER 880

An act to amend Sections 444 and 444.1 of the Fish and Game Code, and amend Sections 7182 and 7183 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to licenses.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 444 of the Fish and Game Code is amended to read:

444. The Arizona Colorado River special use permits may be sold by California license dealers under the supervision of the California Department of Fish and Game, and the California Colorado River special use permits and California sport fishing licenses may be sold by Arizona license dealers under the supervision of the Arizona Game and Fish Commission. Arizona Colorado special use permits

SEC. 2. Section 444.1 of said code is amended to read:

444.1. The Arizona Game and Fish Commission will handle California sport fishing licenses and special use stamps and issue same to Arizona license dealers, and prior to February 28th of each year will make an audit report, together with remittance for sales to the California Department of Fish and Game. Issuance and report

The California Department of Fish and Game will handle the Arizona special use stamps and issue the same to the California license dealers and prior to August 31st of each year will make an audit report and remittance for permit sales to the Arizona Game and Fish Commission.

NOTE The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code. Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 444 and 444.1 of the Fish and Game Code adopted in 1933, are repealed. Effect Stats. 1957, Ch. 456

CHAPTER 881

An act to amend Sections 36933 and 36937 of the Government Code, relating to city ordinances.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 36933 of the Government Code is amended to read:

Publication

36933. Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the city, or if there is none, he shall cause it to be posted in at least three public places in the city. In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinances shall be posted in the manner and at the time required by this section.

Except as provided in Section 36937 an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

SEC. 2. Section 36937 of said code is amended to read:

Effective dates

36937. If an ordinance has been posted or published as required by Section 36933, it shall, except as otherwise provided in this section, take effect 30 days after its final passage. An ordinance takes effect immediately if it is an ordinance:

(a) Relating to an election.

(b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council.

(c) Relating to street improvement proceedings.

(d) Fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.

(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

CHAPTER 882

An act to amend Section 3.4 of the World Trade Center Authorities Act, relating to world trade centers.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.4 of the said World Trade Center Authorities Act is amended to read:

San Francisco Authority

Sec. 3.4. (a) The San Francisco World Trade Center Authority is composed of 11 members, including the Director of Public Works, the Director of Finance, the President of the Board of State Harbor Commissioners for San Francisco Harbor, and eight persons appointed by the Governor from the areas of California having the greatest concern in the World Trade Center and representing, insofar as practicable, the industries and areas benefited by the activities of the San Francisco World Trade Center. Persons appointed shall

have outstanding qualifications resulting from training, experience, and attainments in production and trade. In the event the Office of the Director of Public Works, the Office of the Director of Finance, the Office of the President of the Board of State Harbor Commissioners for San Francisco Harbor, or any of them, hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office.

The members occupying the Offices of Director of Public Works, Director of Finance, and President of the Board of Harbor Commissioners for San Francisco Harbor shall serve during the periods that they respectively occupy their said offices (and subsequently until their successors have been appointed and have qualified), and their successors on the authority shall be their successors in said offices.

The members to be appointed by the Governor shall each serve for four-year terms commencing with their respective dates of appointment; except that two of the eight members first so appointed shall serve for two-year terms, three for three-year terms, and three for four-year terms from the respective dates of their appointments (the respective terms of said initial eight members to be determined by them by lot).

Each such member of the authority to be appointed by the Governor shall hold office for the term for which he was appointed and until his successor has been appointed and qualified. Any member appointed by the Governor on account of death, resignation or disability of any other member appointed by the Governor shall serve for the unexpired term of such member.

Los Angeles Authority

(b) The Los Angeles World Trade Center Authority is composed of nine members, including the Director of Public Works, the Director of Finance, and seven persons appointed by the Governor from the areas of California having the greatest concern in the World Trade Center and representing, insofar as practicable, the industries and areas benefited by the activities of the Los Angeles World Trade Center. Persons appointed shall have outstanding qualifications resulting from training, experience, and attainments in production and trade.

In the event the Office of the Director of Public Works or of the Office of the Director of Finance hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office.

The members occupying the Offices of the Director of Public Works and Director of Finance shall serve during the periods that they respectively occupy their said offices (and subsequently until their successors have been appointed and

qualified), and their successors on the authority shall be their successors in said offices.

The members to be appointed by the Governor shall each serve for four-year terms commencing with their respective dates of appointment; except that one of the seven members first so appointed shall serve for a one-year term, two for two-year terms, two for three-year terms, and two for four-year terms, from the respective dates of their appointments (the respective terms of said initial seven members to be determined by them by lot).

CHAPTER 883

An act to amend Section 14797 of the Revenue and Taxation Code, relating to the fees of the county treasurer for the collection of inheritance taxes.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

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, eighty-five thousand dollars ($85,000).

b. By the county treasurer of a county of the second class, fifty thousand dollars ($50,000).

c. By the county treasurer of a county of the third class, forty thousand dollars ($40,000).

d. By the county treasurer of a county of the fourth class, twenty-five thousand dollars ($25,000).

e. By the county treasurer of a county of any other class, twenty thousand dollars ($20,000).

CHAPTER 884

An act to amend Sections 9570 and 9802 of the Education Code, relating to the education of mentally retarded minors.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9570 of the Education Code is amended to read:

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 in the elementary schools of the district and who come within the provisions of Section 9801.1. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

(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 in the elementary schools of the district, 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.

SEC. 2. Section 9802 of said code is amended to read:

Special schools or classes

9802. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 9801.1 and who are not in attendance upon other special training schools or classes maintained under the provisions of this chapter. The mandatory provisions of the section as they apply to high school districts shall become effective July 1, 1956, but the governing board of any high school district may provide for such education for all or any portion of the mentally retarded minors residing in the high school district prior to said date.

The governing board of any elementary or unified school district may provide for the education of mentally retarded minors residing in the district who come within the provisions of Section 9801.2.

CHAPTER 885

An act to amend Section 16484 of the Education Code, relating to health reports.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 16484 of the Education Code is amended to read:

16484. (a) When a defect other than a visual 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 for the purpose of curing or correcting any defect referred to in the report.

(b) When a visual 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 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 correcting any defect referred to in the report.

(c) 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 886

An act to amend Section 45 of the Elections Code, relating to petitions.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 45 of the Elections Code is amended to read:

45. Wherever, by the Constitution or laws of this State any initative, referendum, recall, nominating petition or

paper, or any other petition or paper, is required to be signed by voters, only a voter who is a registered qualified voter at the time he signs the petition or paper, is entitled to sign it. Each signer shall at the time of signing the petition or paper himself affix thereto his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained, and the date of his signing. No such petition or paper may be signed within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

CHAPTER 887

An act to amend Section 6357.2 of the Education Code, relating to maximum school district tax rates.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6357.2 of the Education Code is amended to read:

6357.2. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Chapter 9 of Division 9, and Chapter 4 of Division 12 of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by Chapter 9 of Division 9 and Chapter 4 of Division 12 of this code.

CHAPTER 888

An act to add Section 71618 to the Government Code, relating to bail.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 71618 is added to the Government Code, to read:

71618. The clerk of the justice court or a deputy clerk 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 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 magistrates of the county. 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. If the defendant has been arrested for felony upon a warrant issued by the judge of such justice court, the clerk may, under like conditions, accept bail in the amount fixed in the warrant. The authority to accept bail provided for herein includes authority to approve it, 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 judge of the court issuing said warrant and give the defendant notice.

CHAPTER 889

An act to amend Sections 3659.3 and 3659.5 of the Revenue and Taxation Code, relating to share claims of taxing agencies, and the distribution of share claim proceeds.

In effect September 11, 1957

[Approved by Governor June 6, 1957 Filed with Secretary of State June 7, 1957]

The people of the State of California do enact as follows:

SECTION 1. Section 3659.3 of the Revenue and Taxation Code is amended to read:

Share claims

3659.3. On receipt of the notice for claim the governing board of each taxing agency levying and collecting taxes or assessments on the property shall forward a share claim to the county auditor which share claim shall include the taxes or assessments of any revenue district for which it collects and shall be the amount of the taxes or assessments on the property

for the fiscal year immediately preceding that in which distribution is made, exclusive of penalties, interest or costs; provided, however, that where any such agency has bonds outstanding and assessment calls are being made thereon to service such bonds, then the proportion for that agency shall be computed based upon the total tax and assessment liens for the fiscal year immediately preceding that in which distribution is made in the payment of assessments during which assessments were called for the payment of both principal and interest maturing on such bonds. If the taxing agency levies taxes or assessments in one year covering payment for more than one year the amount attributable to the first year shall constitute the share claim to be filed by said taxing agency.

SEC. 2. Section 3659.5 of said code is amended to read:

3659.5. If the share claims are correct, the board of supervisors shall order the money received from the State Controller to be distributed pro rata among the county and the taxing agencies having filed share claims. By "pro rata" is meant the division of the amount to be distributed in the proportion that the total tax and assessment liens for the fiscal year immediately preceding that in which distribution is made, exclusive of penalties, interest and costs, of each agency, including the taxes or assessments of revenue districts which each agency collects, bears to the total tax and assessment liens exclusive of interest, penalties and costs for the fiscal year immediately preceding that in which distribution is made of all such agencies. The county and the taxing agencies shall place their pro rata share in the general fund or comparable fund of each agency. Pro rata distribution

Where the county collects taxes for a city the city shall receive a pro rata share which shall be distributed to that city and placed in its general fund. The city's pro rata share shall be the division of the amount distributed to the county in the proportion that the total taxes and assessments levied by the city for the fiscal year immediately preceding that in which distribution is made, exclusive of interest, penalties and costs, bears to the total of the taxes and assessments levied for such fiscal year, exclusive of interest, penalties and costs by all such agencies. No revenue district other than a city shall share in the distribution of the money under this chapter.

CHAPTER 890

An act to amend Sections 19538.2 and 19556 of the Business and Professions Code, relating to horse racing.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19538.2 of the Business and Professions Code is amended to read:

Charity days' proceeds

19538.2. Each licensee shall pay over such charity days' net proceeds to such distributing agent as soon as practicable after the determination thereof, and such agent or agents shall hereafter distribute not less than 90 percent of the aggregate proceeds from charity days' racing received and available for distribution by it to beneficiaries within 12 calendar months after the last day of the meeting during which such charity days were conducted. The balance, if any, of such aggregate charity days' net proceeds not distributed within such 12-month period shall be distributed as soon thereafter as is practicable. Such distribution shall be made by such distributing agent to beneficiaries entitled by law as a nonprofit corporation or association to receive the same and themselves qualified as exempt or entitled to exemption from taxes measured by income under the same provisions of the laws of this State and of the United States as those under which the distributing agent is qualified, and which beneficiaries are engaged in charitable or benevolent, civic, religious, or veterans' work similar to that of agencies recognized by an organized community chest in the State of California, but not excluding the use of funds so distributed for capital expenditures by such beneficiaries. Such beneficiaries, in addition, must be approved by the board.

Each distributing agent shall adopt by-laws, shall provide for election to fill vacancies in the board of directors or trustees, and shall hold at least one meeting each year.

Each distributing agent, within such 12-month period and prior to payment of any contribution to any beneficiary, shall submit to the board the names of each of such beneficiaries for the approval of such board. If the board does not disapprove such listed beneficiaries within 60 days after the submittal to such board of the names of the proposed beneficiaries, then the approval of such board shall be deemed to have been given.

SEC. 2. Section 19556 of said code is amended to read:

19556. For the purposes of this article, a beneficiary shall be:

(a) A nonprofit corporation or association entitled by law to receive a distribution made by a distributing agent.

(b) Exempt or entitled to an exemption from the same taxes measured by income imposed by this State and the United States as those under which the distributing agent is exempt or entitled to an exemption.

(c) Engaged in charitable, benevolent, civic, religious, or veterans' work similar to that of an agency recognized by an organized community chest in the State of California.

The use of funds distributed for capital expenditures by a beneficiary is not prohibited.

(d) Approved by the board.

SEC. 3. Section 2 of this act becomes operative only if Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code is repealed and re-enacted by the Legislature at its 1957 Regular Session, and in such

case at the same time as said chapter takes effect, at which time Section 19538.2 of the Business and Professions Code, as amended by Section 1 of this act, is repealed.

CHAPTER 891

An act to amend Sections 18673, 18674, 18680, 18742 and 18762 of Division 8, Chapter 2, of the Business and Professions Code, relating to the regulation of boxing contests and sparring and wrestling matches and exhibitions.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18673 of the Business and Professions Code is amended to read:

Licenses Referee, matchmakers, etc.

18673. The commission may license clubs to conduct, hold, or give, and may license referees, matchmakers, assistant matchmakers, announcers, ticket sellers, doormen, ushers, corporation treasurers, box-office employees, and timekeepers to participate in, or be employed in connection with, professional or amateur boxing contests or sparring or wrestling matches or exhibitions.

No club may conduct, hold, or give, and no referee, matchmaker, assistant matchmaker, announcer, ticket seller, doorman, usher, corporation treasurer, box-office employee, or timekeeper may participate in, or be employed in connection with, any such boxing contests or sparring or wrestling matches or exhibitions unless the club or person has been licensed for that purpose by the commission.

SEC. 2. Section 18674 of said code is amended to read:

Licenses Boxers, trainers, etc.

18674. The commission may license professional boxers, professional wrestlers, and booking agents, managers, trainers, and seconds of each.

No such person shall participate in any boxing contest or sparring or wrestling match or exhibition or serve in the capacity of a booking agent, manager, trainer or second, unless he has been licensed for that purpose by the commission.

SEC. 3. Section 18680 of said code is amended to read:

Fees

18680. Each person who is an applicant for an annual license or for a renewal thereof shall, before such license or renewal thereof is issued, pay to the commission, a license fee as follows: referees, twenty-five dollars ($25); timekeepers, five dollars ($5); professional boxers, five dollars ($5); professional wrestlers, five dollars ($5); managers, twenty-five dollars ($25); trainers, five dollars ($5); seconds, five dollars ($5); matchmakers, twenty-five dollars ($25); assistant matchmakers, twenty-five dollars ($25); wrestling booking agents, fifty dollars ($50); announcers, five dollars ($5). The charge for a duplicate of a license shall be one dollar ($1). No license

fee shall be required of ticket sellers, doormen, ushers, or box-office employees.

SEC. 4. Section 18742 of said code is amended to read:

Physician

18742. Every club holding a license to conduct boxing contests, or sparring or wrestling matches shall have at its own expense in attendance at every boxing contest, or sparring or wrestling match, a physician approved by the commission who has had not less than three years' medical practice, who shall observe the physical condition of the boxers and wrestlers, and advise the referee with regard thereto.

One hour before the contestants enter the ring such physician shall certify in writing over his signature, as to the contestants' physical condition to engage in such contest or match. A report of the medical examinations shall be filed with commission not later than 24 hours after the termination of a contest or match. The physician's report of the examination shall include specific mention as to the condition of the contestant's heart, nerves and brain.

SEC. 5. Section 18762 of said code is amended to read:

Sham contests

18762. Every officer of any club, and any referee, timekeeper, boxer, wrestler, manager, trainer, second or person, who conducts, gives or participates in any sham or collusive boxing contest, or sparring or wrestling match, shall be deprived of his license by the commission and shall be disqualified from receiving a new license or a renewal of a license.

CHAPTER 892

An act to add Section 2001.1 to, and to amend Sections 2180.5, 3045, 3082, and 3445 of, the Welfare and Institutions Code, relating to eligibility for public assistance.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2001.1 is added to the Welfare and Institutions Code, to read:

Transfer of physically handicapped

2001.1. If any recipient of aid under this chapter also qualifies for assistance under the provisions of Division 5 of this code, he shall be so informed, and if he wishes to transfer, his application for aid under Division 5 shall be taken promptly, so that there is no interruption in warrant payments to the recipient.

SEC. 2. Section 2180.5 of said code is amended to read:

Investigation and commencement of aid

2180.5. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation with the objective that payment is made to all eligible persons within the

minimum possible length of time after the application is made.

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. 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.

Notwithstanding the provisions of this section, the beginning date of aid for an eligible applicant under this chapter who is transferred from either Chapter 1 or Chapter 3 of Division 5 of this code shall be the first day of the month following the effective date of discontinuance of aid under either Chapter 1 or Chapter 3 of Division 5.

SEC. 3. Section 3045 of said code is amended to read:

Needy blind

3045. No aid to needy blind shall be given under the provisions of this chapter to any individual who receives aid under the Old Age Security Law, which is Chapter 1, Division 3 of this code, or who receives aid under Chapter 1 of Part 2 of Division 2 of this code.

Any recipient who becomes ineligible for aid under this chapter but appears to be eligible under the provisions of Division 3 of this code shall be so informed, and his application for such assistance taken promptly, so that there is no interruption in warrant payments to the recipient.

SEC. 4. Section 3082 of said code is amended to read:

Investigation and commencement of aid

3082. The board of supervisors shall immediately investigate into the merits of all applications for aid under the provisions of this chapter and Chapter 3 of this part. Such investigation 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.

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.

Notwithstanding the provisions of this section, the beginning date of aid for an eligible applicant under this chapter, or under Chapter 3 of this division, who is transferred from Division 3 of this code shall be the first day of the month following the effective date of discontinuance of aid under Division 3.

SEC. 5. Section 3445 of said code is amended to read:

Needy blind

3445. No aid to needy blind shall be given under the provisions of this chapter to any individual who receives aid under the Old Age Security Law, which is Chapter 1, Division 3 of this code.

Any recipient who becomes ineligible for aid under this chapter but who appears to be eligible under the provisions of Division 3 of this code shall be so informed, and his application for such assistance taken promptly, so that there is no interruption in warrant payments to the recipient.

CHAPTER 893

An act to amend Sections 1550, 2180.5, and 3082 of the Welfare and Institutions Code, relating to the administration of public assistance.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1550 of the Welfare and Institutions Code is amended to read:

Investigation and commencement of 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.

If the investigation is not completed within 45 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 forty-fifth day falls.

The county, at the time of receiving an application for aid, under this chapter, shall determine if the applicant needs emergency assistance. If the applicant meets the county's requirements, county aid shall be granted until the investigation for aid under this chapter is completed.

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 sign-

ing 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.

SEC. 2. Section 2180.5 of said code is amended to read:

Investigation and commencement of aid

2180.5. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation with the objective that payment is made to all eligible persons within the minimum possible length of time after the application is made.

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. If the investigation is not completed within 45 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 forty-fifth day falls.

The county, at the time of receiving an application for aid, under this chapter, shall determine if the applicant needs emergency assistance. If the applicant meets the county's requirements, county aid shall be granted until the investigation for aid under this chapter is completed.

SEC. 3. Section 3082 of said code is amended to read:

Investigation

3082. The board of supervisors shall immediately investigate into the merits of all applications for aid under the provisions of this chapter and Chapter 3 of this part. Such investigation 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.

If the investigation is not completed within 45 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 forty-fifth day falls.

The county, at the time of receiving an application for aid, under this chapter, shall determine if the applicant needs emergency assistance. If the applicant meets the county's requirements, county aid shall be granted until the investigation for aid under this chapter is completed.

CHAPTER 894

An act to repeal Section 41604 of the Government Code, relating to criminal prosecution.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 41604 of the Government Code is hereby repealed.

CHAPTER 895

An act to amend Sections 2142.5 and 3003 of the Welfare and Institutions Code, relating to the administration of public assistance.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

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

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 24 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:

Expenditure of aid

3003. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him. All money paid to a recipient under this chapter is intended to help him meet his individual needs and is not for the benefit of any other person. Aid granted under this chapter shall not be construed as income to any person other than the blind recipient.

The State Department of Social Welfare may take all action necessary to enforce this section.

The department shall adopt no rule, regulation, or order which would limit to less than 24 months the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization.

CHAPTER 896

An act to add Sections 7193 and 13831.4 to the Education Code, relating to salaries of certificated employees of school districts and school apportionments, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 13831.4 is added to the Education Code, to read:

13831.4 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. Payment of salary withheld

SEC. 2. Section 7193 is added to said code, to read:

7193. Notwithstanding any provisions of law to the contrary, wherever the attendance of pupils is not included in the computation of the average daily attendance of a school district for any fiscal year because the certification document of the person employed by the district to instruct such pupils was not in force during the period of such attendance, the governing board of the district may, upon payment of the salary of such person pursuant to Section 13831.4, or similar provisions of law, report such attendance to the Superintendent of Public Instruction during the fiscal year in which such salary is paid. Such report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction. Thereafter the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the next succeeding fiscal year or years, as determined by him but not exceeding three, the additional amount to which the district would have been entitled in the fiscal year next succeeding that in which such attendance was not included in the computation of the average daily attendance of the district if such amount is at least one hundred dollars ($100) or more. Average daily attendance Apportionment

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. 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 Urgency

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 897

An act to amend Section 2802 of the Elections Code, relating to state central committees.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2802 of the Elections Code is amended to read:

2802. The new state central committee shall consist of:

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this article.

(d) The national committeeman and national committeewoman of the party.

CHAPTER 898

An act to amend Section 1183.5 of the Civil Code, relating to the acknowledgment of instruments and the performance of other notarial acts.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1183.5 of the Civil Code is amended to read:

1183.5. 1. Any officer of any component of the Army or Air Force of the United States on active duty in federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command; Military personnel

2. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant, senior grade, on active duty with the Navy or Coast Guard of the United States;

3. Any officer of or above the rank of captain on active duty with the United States Marine Corps;

Shall have the power if a commissioned officer to administer and certify oaths or affirmations, attest documents, take acknowledgments, and perform all other notarial acts, for any person serving in or with the armed forces of the United States, wherever located within or without this State or for any spouse of a member of the armed forces wherever located within or without this State.

Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this State or in the following form:

On this the _____ day of _____, 19___, before me _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States (or to be the spouse of a member of the armed forces of the United States) and to be the person whose name is subscribed to the within instrument and acknowledged that ___he___ executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed.

To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form:

Subscribed and sworn to before me on this _____ day of _____, 19___.

_____

_____

Signature of officer and serial number, rank, branch of service and capacity in which signed.

The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to have been made by any commissioned officer of the Army, Air Force, Navy, Marine Corps or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section.

CHAPTER 899

An act to add Sections 120.1, 120.2 and 120.3 to the Agricultural Code, relating to pest control.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 120.1 is added to the Agricultural Code, to read:

Nursery stock

120.1. The director by rules and regulations shall provide for periodic inspections of nurseries and may prescribe standards of cleanliness for nursery stock produced or sold within the State.

Such standards may provide that all nursery stock be kept free from pests of limited distribution or not known to be established in the State, and commercially clean in respect to established pests of general distribution; and may prescribe methods of treatment of various types of nursery stock for control of pests; and may require isolation of infested or infected nursery stock pending treatment or other disposal; and may make such other provisions as are reasonably necessary to insure the relative freedom from pests of all nursery stock produced or sold within the State.

SEC. 2. Section 120.2 is added to said code, to read:

Inspection and orders

120.2. It is the duty of the commissioner to inspect the nurseries within his jurisdiction when and as required by rules and regulations of the director, and to issue such orders as may reasonably be necessary to insure compliance with such standards. Any interested person upon request shall be entitled to a hearing before the director to review any order issued by a commissioner pursuant to this section.

SEC. 3. Section 120.3 is added to said code, to read:

120.3. In addition to the grounds specified in Section 120, any license issued under that section may be suspended or revoked or issuance or renewal thereof refused when, after investigation and hearing, it is determined that the licensee has failed to maintain nursery stock produced or sold by him in accordance with the standards of cleanliness prescribed by the director, or has failed to comply with any lawful order issued by the commissioner or by the director. The proceedings shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Suspension, revocation, etc., of license

CHAPTER 900

An act to add Section 2904.1 to the Revenue and Taxation Code, relating to collection of taxes on unsecured personal property assessed to unknown owners.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2904.1 is added to the Revenue and Taxation Code, to read:

2904.1. An order of the board of supervisors for the collection of taxes on unsecured personal property generally by the tax collector in lieu of the assessor as hereinabove provided in Section 2904 may reserve to the assessor and provide for the collection by the assessor of all taxes on unsecured personal property assessed to unknown owners. Upon the making of such order all taxes due on unsecured personal property assessed to unknown owners shall be collected by the assessor who may collect such taxes assessed to such unknown owners by seizure and sale of such property on or after the due date thereof in the manner provided in Chapter 4 (commencing at Section 2901), Part 5, Division 1 of this code.

CHAPTER 901

An act to amend Section 19533.2 of the Government Code, relating to state employees.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19533.2 of the Government Code is amended to read:

19533.2. A veteran, except a veteran who was reinstated from military leave, shall in the event of layoff receive seniority credit for recognized military service only as follows:

(a) The veteran must have entered the state service within one year after date of discharge or the end of the national emergency or the end of the state military emergency, whichever of these dates is the earlier, or; if more than one year has elapsed, he shall receive such credit if he had no intervening employment other than seasonal or temporary work.

(b) Such credit for recognized military service shall be computed as if it were service in the class to which the employee was first given permanent civil service or exempt appointment after his entry into the state service following recognized military service.

(c) Such seniority credits shall be forfeited in the event of a break in service as provided in Section 19143.

(d) Such seniority credit shall not exceed five years credit if such veteran had no state service prior to entering the military service.

CHAPTER 902

An act to amend Sections 734, 736, and 738 of the Fish and Game Code, and Sections 8375, 8377, and 8379 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fish.

In effect September 11 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 734 of the Fish and Game Code is amended to read:

Albacore

734. No albacore weighing less than seven pounds may be sold, purchased, or processed.

SEC. 2. Section 736 of said code is amended to read:

Tuna

736. No yellowfin tuna or bluefin tuna weighing less than 7½ pounds may be sold, purchased, or processed.

SEC. 3. Section 738 of said code is amended to read:

Skipjack

738. Skipjack weighing less than four pounds may not be sold, purchased, or processed.

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code. Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 734, 736, and 738 of the Fish and Game Code adopted in 1933 are repealed.

CHAPTER 903

An act to add Section 1074 to the Public Utilities Code, relating to highway common carriers and petroleum irregular route carriers.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1074 is added to the Public Utilities Code, to read:

1074. Every highway common carrier and every petroleum irregular route 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 common carrier or petroleum irregular route carrier. The aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

CHAPTER 904

An act to add Section 55 to the Elections Code, relating to the destruction of voting records and the conduct of elections thereafter.

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 55 is added to the Elections Code, to read:

55. In case of a disaster in which a portion or all of the voting records of any county is destroyed, the Governor may appoint an Election Commission to outline and recommend procedures to be followed in the conduct of regular or special elections. The commission shall consist of the Governor, the Secretary of State, the Attorney General, and the county clerk or registrar of voters of each county in which destruction occurs.

CHAPTER 905

An act to amend Sections 12 and 14 of the Water Conservation Act of 1927 (Chapter 91, page 160 of the Statutes of 1927), relating to water conservation districts.

In effect September 11, 1957

[Approved by Governor June 6, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12 of the Water Conservation Act of 1927 is amended to read:

Sec. 12. Biennial Election of Directors. Official Bonds. Vacancies, How Filled. Office Board. In each district organized as provided herein, and except as provided in Section 14, an election shall be held on the first Tuesday in February of each odd-numbered year, after the organization of the district, at which directors for the district, as provided in Section 5 of this act, shall be elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this act. Vacancies occurring in the board of directors, by reason of death, resignation or otherwise, shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall hold such office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. 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 and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars ($1,000) which shall be approved by the judge of the superior court of the county where the organization of the district was effected, 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 county officers.

SEC. 2. Section 14 of said act is amended to read:

Sec. 14. Appointment of Election Board: Notice of Election. Appointment of Sole Nominees Without Election: Petitions for Elections: Notice of Abandonment of Election: Furnishing of Ballots: Conduct of Election. (a) At a meeting of the board of directors of the district, to be held not less than 35 days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things (applicable thereto) for the holding of such election, in the manner herein required to be done by the board of super-

visors for the holding of an election on the question of formation of district. The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks, pursuant to Section 6066 of the Government Code. Such publication shall commence not more than 30 days and not less than 20 days before the date of election. Such notice shall be posted as required by this act not later than the day publication commences and in addition shall be likewise posted in the office of the board of directors. Such notice shall designate the directoral positions to be filled, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open.

(b) If no more than one nomination has been made, or if no person has been nominated, for any directoral position to be filled, no election shall be held with respect to such directoral position, and the board of directors at its first meeting after the election date shall appoint such sole nominee or any qualified person if no person has been nominated to the position to be filled, unless within 10 days after the first publication of the notice of election a petition requesting the holding of the election and signed by at least twenty-five percent (25%) of the voting strength of the directoral division or, if there be none, of the district has been filed with the clerk of the district.

(c) If there shall be but one nominee or no nominee for any directoral position and no petition requiring the holding of an election with respect thereto, the board of directors shall cause a notice of abandonment of election to be published (one time) pursuant to Section 6061 of the Government Code, such publication to be made not later than the fifth day before the election date previously determined.

(d) No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidate for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

CHAPTER 906

An act to amend Sections 633, 641 and 662 of the Welfare and Institutions Code, relating to the management of juvenile halls.

In effect September 11, 1957

[Approved by Governor June 7, 1957. Filed with Secretary of State June 7, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 633 of the Welfare and Institutions Code is amended to read:

Probation officers Terms of office, duties, etc

633. The term of office of the probation officers shall be two years from the date of their appointments, or until their successors are appointed and qualify.

All probation officers receiving a salary in excess of two hundred fifty dollars ($250) per month shall devote their entire time and attention to the duties of their offices, and no such probation officer while holding such office and receiving salary therefor, shall be a candidate for or seek the nomination for any other public office or employment; provided, however, that, in counties having a population in excess of 2,000,000, such probation officer shall, subject to the advice and counsel of the probation committee, without extra compensation therefor, manage and control the internal affairs of the juvenile hall; and provided further, that any probation officer may accept appointment as member of the Board of Corrections and serve in that capacity in addition to his duties as probation officer and may receive the per diem allowance authorized in Section 6025.1 of the Penal Code. In all counties except counties having a population in excess of 2,000,000 such probation officer, without extra compensation therefor, shall have the management and control of the internal affairs of the juvenile hall; provided, however, that, if the judge of the juvenile court so directs, the internal affairs of the juvenile hall shall be under the management and control of the probation committee of the county; and provided further, that such probation committee, with the approval of said judge, may direct the probation officer to administer, subject to the supervision and direction of the probation committee, without extra compensation therefor, the management and control of the internal affairs of the juvenile hall.

SEC. 2. Section 641 of the Welfare and Institutions Code is amended to read:

Management of juvenile hall

641. In counties having a population in excess of 2,000,000 the probation officer shall, with the advice and counsel of the probation committee, manage and control the internal affairs of the juvenile hall. In all counties except counties having a population in excess of 2,000,000 the probation officer shall, with the advice and counsel of the probation committee, manage and control the internal affairs of the juvenile hall; pro-

vided, however, that, if the judge of the juvenile court so directs, the internal affairs of the juvenile hall shall be under the management and control of the probation committee of the county.

The probation officer shall have the powers of a school attendance officer in those portions of the county not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties.

SEC. 3. Section 662 of the Welfare and Institutions Code is amended to read:

662. In all counties having a population in excess of 2,000,000 the internal affairs of the juvenile hall or branch juvenile hall shall be under the management and control of the probation officer of the county In all counties except counties having a population in excess of 2,000,000 the internal affairs of the juvenile hall or branch juvenile hall shall be under the management and control of the probation officer of the county; provided, however, that, if the judge of the juvenile court so directs, the internal affairs of the juvenile hall or branch juvenile hall shall be under the management and control of the probation committee of the county. Same

In counties having a population in excess of 2,000,000, and if the judge of the juvenile court so directs in counties having a population of 2,000,000 or less, the probation committee shall function in an advisory capacity to the probation officer.

CHAPTER 907

An act to add Sections 9551 and 20255 to the Education Code, relating to televised educational programs in the Public School System.

[Approved by Governor June 7, 1957 Filed with Secretary of State June 7, 1957] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 9551 is added to the Education Code, to read:

9551. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in cooperation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools Nothing contained in this section, however, shall be construed as authorizing a school district or county superintendent of schools to own, lease, or operate a television broadcasting station. Educational television broadcasts

SEC. 2. Section 20255 is added to said code, to read:

20255. Subject to the approval of State Board of Education, the Director of Education, on behalf of any state college, Same

may enter into contracts, either alone or in cooperation with the governing board of any school district, or a county superintendent of schools with the permission of the governing boards and acting on behalf of such school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the college. Nothing contained in this section, however, shall be construed as authorizing the Department of Education or a state college to own, lease, or operate a television broadcasting station

---

CHAPTER 908

An act to amend Sections 74221, 74222, 74223, 73562, and 73563 of the Government Code, relating to municipal courts in Monterey County.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

Salinas Municipal Court

SECTION 1. Section 74221 of the Government Code is amended to read:

Number of judges

74221. There shall be two judges.

SEC. 2. Section 74222 of said code is amended to read:

Salaries Clerk

74222. There shall be one clerk, who shall receive a minimum salary of four hundred one dollars ($401) 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 ninety-six dollars ($496) monthly.

SEC. 3. Section 74223 of said code is amended to read:

74223. The clerk may appoint:

Deputy clerks

(a) One deputy clerk who shall receive a minimum salary of three hundred forty-two dollars ($342) monthly with annual increments of nineteen dollars ($19), nineteen dollars ($19), twenty-one dollars ($21), twenty-two dollars ($22) to a maximum of four hundred twenty-three dollars ($423) monthly.

(b) Four deputies each of whom shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

(c) One deputy who shall receive a minimum salary of two hundred sixty-four dollars ($264) 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-five dollars ($325) monthly.

(d) Five deputies, each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with

annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred and eight dollars ($308) monthly.

SEC. 4. Section 73562 of said code is amended to read:

Carmel Municipal Court Salaries Clerk

73562. There shall be one clerk, who shall receive a minimum salary of four hundred one dollars ($401) 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 ninety-six dollars ($496) monthly.

SEC. 5. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

Deputy clerks

(a) One deputy who shall receive a minimum salary of three hundred forty-two dollars ($342) 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 twenty-three dollars ($423) monthly.

(b) Three deputies each of whom shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

(c) One deputy who shall receive a minimum salary of two hundred sixty-four dollars ($264) 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-five dollars ($325) monthly.

(d) Five deputies each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred and eight dollars ($308) monthly.

CHAPTER 909

An act to amend Section 2010 of the Streets and Highways Code, relating to inspection of county highways.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2010 of the Streets and Highways Code is amended to read:

2010. In order that the provisions of this chapter may be effectively carried out, the members of the board of supervisors of their respective counties shall make reasonable inspection from time to time of the roads within their counties main-

tained from funds supplied by this chapter. The additional mileage entailed by this section, not to exceed six hundred dollars ($600) in any one year, shall be a proper charge against and shall be paid from the twenty thousand dollars ($20,000) annual apportionment to the county under the first subdivision of Section 2111.

Such mileage shall be deemed to be in addition to any other mileage allowed by law or county charter, and each supervisor who uses a privately owned automobile in the discharge of duties imposed upon him in connection with the county road system shall receive for the performance of such duties in addition to the compensation and any other allowances paid him as supervisor, but not in duplication of any other mileage allowed by law or county charter, twenty-five dollars ($25) per month for the first 250 miles traveled, without filing a report of the specific inspection tours requiring such mileage. For mileage traveled in excess of 250 miles, each supervisor shall be paid ten cents ($0.10) for each mile traveled up to 250 miles or twenty-five dollars ($25) for a total not to exceed 500 miles or fifty dollars ($50). The supervisor claiming such additional mileage shall file a report of the inspection tour or tours requiring such travel.

CHAPTER 910

An act to amend Section 685 of the Code of Civil Procedure, relating to execution and enforcement of judgments.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 685 of the Code of Civil Procedure is amended to read:

685. In all cases the judgment may be enforced or carried into execution after the lapse of 10 years from the date of its entry, by leave of the court, upon motion, and after due notice to the judgment debtor accompanied by an affidavit or affidavits setting forth the reasons for failure to proceed in compliance with the provisions of Section 681 of this code. The failure to set forth such reasons as shall, in the discretion of the court, be sufficient, shall be ground for the denial of the motion. This section does not limit the jurisdiction of the court to order issuance of such writ prior to the lapse of said 10-year period in cases where the party in whose favor judgment is given is not entitled to a writ under Section 681 of this code.

Judgment in all cases may also be enforced or carried into execution after the lapse of 10 years from the date of its entry, by judgment for that purpose founded upon supplemental proceedings; but nothing in this section shall be construed to revive a judgment for the recovery of money which shall have been barred by limitation at the time of the passage of this act.

CHAPTER 911

An act to add Section 26907.1 to the Government Code, relating to bonds and coupons.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 26907.1 is added to the Government Code, to read:

26907.1. Notwithstanding the provisions of Sections 26201, 26202, and 26205 of this code, the auditor or ex officio auditor may destroy any county, school or special district bonds or coupons which have been paid or canceled for a period of not less than five years.

CHAPTER 912

An act to amend Section 13530.5 of the Government Code, relating to the State Printing Office.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13530.5 of the Government Code is amended to read:

13530.5. All printing required by district agricultural associations shall be exempt from Section 13530.

CHAPTER 913

An act providing for the compilation and publication of a State Blue Book.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The State Printer shall compile or cause to be compiled and published a State Blue Book, as provided in Section 13606 of the Government Code. The volumes shall be distributed pursuant to Section 13607 of that code. The cost of such compilation, publication and distribution shall be a charge against, and shall be paid from, the legislative printing appropriation.

CHAPTER 914

An act to amend Section 2934a of the Civil Code, relating to substitution of trustee under trust deed.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2934a of the Civil Code is amended to read:

2934a. The trustee under a trust deed upon real property given to secure an obligation to pay money and conferring no other duties upon the trustee than those which are incidental to the exercise of the power of sale therein conferred, may be substituted by the recording in the county in which the property is located of a substitution executed and acknowledged by all of the beneficiaries under such trust deed, or their successors in interest.

The record beneficiary or beneficiaries who elect to substitute trustees hereunder shall cause a copy of such substitution to be mailed, prior to the recording thereof, in the manner provided in Section 2924b of this code, to all persons to whom a copy of the notice of default would be required to be mailed by the provisions of Section 2924b of this code. The substitution must contain the date of execution of the trust deed, the name of the trustee, trustor and the beneficiary, the book and page where the trust deed is recorded and the name of the new trustee, and an affidavit attached to said substitution to the effect that notice has been given to the persons and in the manner above required. The substitution shall also contain an acknowledgment signed and acknowledged by the trustee named in the trust deed of a receipt of a copy thereof, or an affidavit of personal service of a copy thereof, or of publication of notice thereof in accordance with Section 6061 of the Government Code, and where service is by publication the affidavit shall also show that a copy of such substitution had been mailed to said trustee at his last known address. From the time the substitution is filed for record, the new trustee shall succeed to all the powers, duties, authority and title of the trustee named in the deed of trust.

CHAPTER 915

An act to amend Sections 6551 and 6586 of, and to add Sections 6606 and 6586.5 to, and to repeal Section 6577 and Article 9 (commencing with Section 6610) of Chapter 6 of Division 3 of, the Business and Professions Code, relating to barbers.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6551 of the Business and Professions Code is amended to read:

6551. For the purposes of this article, the board shall have all the powers of the head of a department under Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code. State Board of Barber Examiners Powers

SEC. 2. Section 6577 of said code is hereby repealed. Repeal

SEC. 3. Section 6586 of said code is amended to read:

6586. The commission of any of the offenses referred to in Section 6550 or in Section 6606 constitute a cause for disciplinary action. Cause for disciplinary action

SEC. 4. Section 6586.5 is added to said code, to read:

6586.5. The commission of any of the following practices constitutes cause for disciplinary action: Same

(a) The management, operation or control of any barber shop unless continuously hot and cold running water is provided therein;

(b) The management, operation or control of any barber college or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering is engaged in or carried on unless all entrances shall display a sign indicating that the work therein is done by students exclusively;

(c) The management, control or operation of any barber shop unless a recognized sign, clearly visible at the main entrance to the shop, is displayed indicating that it is a barber shop;

(d) The use upon one person of a towel that has been used upon another person unless and until said towel has been relaundered;

(e) Failure to provide the head rest on each chair with a relaundered towel or sheet of clean paper for each patron;

(f) Failure to place around the patron's neck a clean strip of cotton, towel or neck band so that the hair cloth does not come in contact with the neck or skin of the patron's body;

(g) The use in the practice of barbering of any styptic pencils, finger bowls, sponges, lump alum or powder puffs. The possession of a styptic pencil, finger bowl, sponge, lump alum or powder puff in a barber shop is prima facie evidence

that the same is being used therein in the practice of barbering;

(h) The use on any patron of any combs, tweezers, rubber disks or part of vibrators, or the blades of razors, of shears, of scissors, or of clippers, unless they are disinfected or sterilized immediately before serving the patron by immersion in a solution, or by any other method, approved by the board; the use of razors, shears, scissors, tweezers, and hones which are not kept in a closed compartment when a patron is not being served; or the use of combs which are not kept in an approved solution or in a closed compartment when a patron is not being served. An approved solution or method shall be the equivalent of immersion in a solution of not less than 5 percent phenol (United States Pharmacopoeia).

SEC. 5. Section 6606 is added to said code, to read:

Unlawful practice

6606. It is unlawful for any barber or apprentice to knowingly continue the practice of barbering, or for any student knowingly to continue as a student in any college while he has an infectious, contagious or communicable disease.

Repeal

SEC. 6. Article 9 (commencing with Section 6610) of Chapter 6 of Division 3 of said code is hereby repealed.

CHAPTER 916

An act to amend Section 11371 of the Government Code, relating to the definition of regulations.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11371 of the Government Code is amended to read:

11371. In this chapter unless otherwise specifically indicated:

(a) "State agency" does not include an agency in the judicial or legislative departments of the State Government.

(b) "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement or revision of any such rule, regulation, order or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the state agencies. "Regulation" does not mean or include any form prescribed by a state agency or any instructions relating to the use of the form, but this provision is not a limitation upon any requirement that a regulation be adopted pursuant to this part when one is needed to implement the law under which the form is issued.

(c) "Order of repeal" means any resolution, order or other official act of a state agency which expressly repeals a regulation in whole or in part.

CHAPTER 917

An act to amend Section 8 of Chapter 29 of the Statutes of 1946 (1st Ex. Sess.), relating to the availability of moneys appropriated for the acquisition of housing facilities for veterans and families of servicemen.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8 of Chapter 29 of the Statutes of 1946 (First Extraordinary Session) is amended to read:

Sec. 8. The director shall prescribe the time and manner of payment of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid.

Any money expended by or on behalf of a local agency after December 1, 1945, for the purpose of acquiring housing as provided by this act shall be considered as part of the money required to be provided by the local agency hereunder.

Any funds appropriated under this act may be allocated as herein provided to defray expenditures incurred by local agencies after February 15, 1946, in acquiring and establishing housing as defined in this act.

The Board of Control shall by rule prescribe the information to be shown on claim for payment of the State's share of the cost of construction of projects under this act and the nature of the evidence of payment to be required in support of such claim. When the director approves such claim and finds the payment to be due, he shall transmit a claim for the amount due, together with all supporting information of payment, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount of payment he finds to be due.

Except in the case of allocations to colleges operated by the State or by any state agency, title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency constructing the project to the extent permitted by federal law or regulation.

A sum of money equal to the amount (of the appropriation heretofore made by this act, augmented by the appropriation made by Chapter 1 of the Fifty-sixth (Second Extraordinary) Session) which reverted to the General Fund on or about April 6, 1947, is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, in augmentation of the appropriation heretofore made by this act, to carry out the provisions of this act. Any portion of the moneys hereby or heretofore appropriated for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before December 31, 1949, shall

revert to the General Fund in the State Treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1962.

Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under this act. The provisions of Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act.

CHAPTER 918

An act to add Section 1017 to the Education Code, relating to school district employees.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1017 is added to the Education Code, to read:

1017. The governing board of each school district shall require each employee of the district, including but not limited to school teachers, to undergo an examination to determine that he is free from active tuberculosis, by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code, at least once in each two years, or oftener if the governing board so determines by rule. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs. After such examination, each employee shall file with the board a certificate from the physician or surgeon who examined him showing that the employee was examined and found free from active tuberculosis.

The provisions of this section shall not apply to any person who files with the governing board an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing school district is satisfied that he is not so afflicted.

CHAPTER 919

An act to amend Section 25365 of the Government Code, relating to county-owned real property.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. After publishing a notice of its intended action for at least one week, in a newspaper of general circulation published in the county, the board of supervisors may, by a four-fifths vote, grant and convey or quitclaim to the State or to any city, school district, irrigation, flood control or other special district within the county or exchange with such public entities, any real property, or interest therein belonging to the county upon such terms and conditions as are agreed upon and without complying with any other provisions of this code if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-fifths vote, exchange real property of equal value with any person, firm, or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use.

CHAPTER 920

An act to amend Sections 19390, 19394, 19401.1 and 19405 of the Government Code, relating to military leave rights and benefits in the state civil service.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19390 of the Government Code is amended to read:

19390. Except as provided in Section 19405, 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 Restoration to former position

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. 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.

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. 2. Section 19394 of said code is amended to read:

Retention on employment list

19394. Except as provided in Section 19405, 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.

SEC. 3. Section 19401.1 of said code is amended to read:

Uncompleted examination

19401.1. Except as provided in Section 19405, 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

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. 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.

SEC. 4. Section 19405 of said code is amended to read:

19405. The rights and benefits provided a person in Sections 19390, 19394, and 19401.1 shall not extend to or be granted to a person, 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. Limitation

Such rights and benefits shall not extend to or be granted to a person who was on an indefinite tour of duty, or on a tour of duty in excess of four years' duration in the recognized military service as of January 1, 1956, and who continues on such duty after January 1, 1960.

Such rights and benefits shall not extend to or be granted to a person who was ordered to, or enlisted in the recognized military service after January 1, 1956, for an indefinite tour of duty or for a tour of duty in excess of four years' duration and who continues on such duty for more than four years from the first day of ordered duty or enlistment.

Whenever the board finds that the time limitations imposed by this section are unreasonable to a person or persons because of circumstances beyond their control, it shall be within the discretion of the board to grant an extension of the rights and benefits for not to exceed three additional years.

CHAPTER 921

An act to amend Sections 2 and 13 of, and to add Section 37 to, the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951), relating to the Napa Flood Control and Water Conservation District.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Napa County Flood Control and Water Conservation District Act is amended to read:

Sec. 2. A flood control district is hereby created to be called the Napa County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Napa lying within the exterior boundaries of said county. As used in this act "district" means the Napa County Flood Control and Water Conservation District.

SEC. 2. Section 13 of said act is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and

expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 3. Section 37 is added to said act, to read:

Sec. 37. Zones may be dissolved as provided in Article 10 (commencing at Section 58300) of Chapter 1 or Article 1 (commencing at Section 58950) of Chapter 4 of Title 6 of the Government Code, and references in such laws to "districts" shall, for such purposes, be deemed to refer to "zones."

CHAPTER 922

An act to amend Sections 34302.5, 34302.6, 34308, 34310 and 34325.1 of the Government Code, relating to the organization of new cities.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 34302.5 of the Government Code is amended to read:

Notice of intention Filing

34302.5. Before circulating a petition seeking the incorporation of a new city, the proponents shall file a notice of intention to so do with the board of supervisors. The notice shall contain the names and addresses of and be signed by not less than 25 nor more than 50 qualified signers as proponents intending to circulate the petition, the specific boundaries of the territory proposed to be incorporated, and shall designate the name and address of the person to act as chairman of the proponents for the purpose of receiving notices, process and other communications regarding such incorporation.

Notice of receipt of the notice of intention to circulate shall be given by the clerk of the board of supervisors to the legislative bodies of all cities whose territorial limits lie within three miles of any of the territory proposed to be incorporated into a new city. 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 incorporated.

Not more than two such notices affecting the same or substantially the same area shall be filed within a period of one year.

SEC. 2. Section 34302.6 of said code is amended to read:

Limitations

34302.6. For a period of 90 days after the filing of such notice of intention (a) no other notice of intention shall be filed hereunder for the incorporation of any of the same territory described in the filed notice; (b) no notice of intention to circulate a petition for the annexation of any such territory under the provisions of the Annexation Act of 1913 shall be filed or consented to by the legislative body of any city; (c) no petition shall be filed with, and no proceedings shall be instituted by, the legislative body of any city for the annexation of any such territory under the provisions of this division.

SEC. 3. Section 34308 of said code is amended to read:

Acceptance for filing, fee

34308. If the report shows that the petition is signed by the requisite number of qualified signers and accurately describes the boundaries of the proposed city, the board shall direct its clerk to accept the amount of money fixed by the board to defray the costs of the publication of the notice of hearing on the petition and the notice of election. The board shall fix the time within which the money shall be deposited with the clerk, and upon a showing of due cause therefor may extend such time. If the amount of money so deposited is less than the actual cost of publication, the petitioners shall deposit with the clerk an additional amount equal to the difference between the actual cost of publication and the amount first deposited. Immediately upon ascertaining the actual cost of publication the clerk shall notify the petitioners if such an additional amount is required and, if so, the petitioners shall deposit such amount with the clerk within five days after the completion of the publication.

If the amount first deposited exceeds the actual cost of publication, the clerk shall, upon the request of the petitioners, return to the petitioners the amount of such excess.

SEC. 4. Section 34310 of said code is amended to read:

Hearing

34310. At its next regular meeting after the deposit of the amount fixed by the board to defray publication costs, the board shall fix a time for a hearing and direct its clerk to cause a notice of hearing on the petition to be published for at least two weeks before the hearing, in a newspaper of general circulation printed and published in the county

Notice of hearing: Contents

The notice of hearing on the petition shall state:

(a) That a petition for incorporation of an unincorporated portion of the county as a city has been filed and may be inspected in the office of the clerk of the board of supervisors;

(b) The name of the proposed city;

(c) The names of the proponents stated in the notice of intention to circulate the petition;

(d) The time and place for a hearing on the petition;

(e) That written requests for exclusion, and all persons wishing to be heard on the matter of the size and shape and establishment of the boundaries of the proposed city, will be heard and considered, and

(f) Accurately describe the proposed boundaries.

SEC. 5. Section 34325.1 of said code is amended to read:

Vote against incorporation

34325.1. If a majority of the votes cast is against incorporation, no further proceedings for the incorporation of the same or substantially the same area shall be initiated for one year after the date of the election. In determining whether the same or substantially the same area is involved the board of supervisors shall consider and compare the total acreage, assessed value, registered voters, and estimated number of inhabitants, of each area and the factors common to both such areas.

CHAPTER 923

An act to amend Section 2762 of the Business and Professions Code, relating to nursing.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2762 of the Business and Professions Code is amended to read:

2762. In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or chiropodist administer to himself or furnish or administer to another, any narcotic as defined in Division 10 of the Health and Safety Code or any dangerous drug as defined in Article 8 of Chapter 9 of Division 2 of the Business and Professions Code.

(b) Use any narcotic as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 of Chapter 9 of Division 2 of the Business and Professions Code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

CHAPTER 924

An act to add Section 4047 to the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4047 is added to the Business and Professions Code, to read:

4047. As used in this chapter, "licensed or county hospital" means an institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illnesses to which persons may be admitted for overnight stay, and includes any institution classified under regulations issued by the Bureau of Hospitals of the State Department of Public Health as a general or specialized hospital, as a maternity hospital, or as a tuberculosis hospital, but does not include a sanatorium, rest home, a nursing or convalescent home, a maternity home, an institution for treating alcoholics, or lying-in asylums.

CHAPTER 925

An act to amend Section 8768 of the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8768 of the Business and Professions Code is amended to read:

8768. The record of survey shall not be filed unless the surveyor has complied with Section 8766.5. If the matters appearing on the record of survey cannot be agreed upon by the licensed land surveyor or the registered civil engineer and the county surveyor within 28 calendar days from the date of submission, an explanation of the differences shall be noted on the map and it shall be presented by the county surveyor to the county recorder for filing.

CHAPTER 926

An act to amend Section 1048 of the Education Code, relating to records, minutes, and accounts of public school agencies.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1048 of the Education Code is amended to read:

1048. The clerk shall keep his records, minutes of board meetings, and accounts open to public inspection.

CHAPTER 927

An act to amend Sections 5930, 5931 and 5970 of the Elections Code, relating to absent voting.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5930 of the Elections Code is amended to read:

5930. Any voter applying for and receiving an absent voter's ballot may, on any date prior to the date of election for which the ballot is to be voted, appear at the office of the clerk of the county, municipality or district in which he resides and stamp or mark with pen or pencil, and seal his ballot under the scrutiny of that officer, and in the following manner: Voting at place of residence

(a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the officer is unable to see how it is being marked. The voter shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and sign the declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked.

(c) Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office, to be kept by him and delivered to the proper canvassing board.

SEC. 2. Section 5931 of said code is amended to read:

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: Voting away from residence

(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 deposit the envelope in a safe place in his office to be kept by him and delivered to the proper canvassing board.

SEC. 3. Section 5970 of said code is amended to read:

When voter ill or disabled

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 confinement in a hospital, sanatorium, or nursing home may request in a writing, signed by him, that the clerk send him an absentee ballot. The clerk shall deliver, at the office of the clerk, such ballot to any authorized representative of the voter possessing a letter from a 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.

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 return it to the office of the clerk of the locality in which he resides.

Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office to be kept by him and delivered to the proper canvassing board.

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 928

An act to amend Section 3935.5 of the Elections Code, relating to elections.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3935 5 of the Elections Code is amended to read:

3935.5. If the office is that of a member of a county central committee, the names of all candidates, including incumbents, shall be arranged upon the ballot in order determined as follows:

At 10 a.m. on the second Monday following the last day on which declarations of candidacy may be left with the county clerk for examination, the county clerk shall hold a public drawing to determine the order of names on the ballot. The name of each candidate shall be written on a separate and identical slip of paper which shall then be folded to conceal the name and deposited in a box. After all slips have been deposited, the box shall be shaken to mix the slips thoroughly. The slips shall then be withdrawn by the clerk, and the names of the candidates listed in their order of withdrawal. This order shall determine the order in which the names of the candidates shall be printed on the ballot.

The drawings for each party's candidates shall be held in the order in which the parties rank in the county according to the size of their membership as shown by the registration of voters.

CHAPTER 929

An act to repeal Section 7969 of the Elections Code, relating to elections.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7969 of the Elections Code is repealed.

CHAPTER 930

An act to amend Sections 12000, 12175, 12176, 12177, 12179, 12181, 12182, 12183, 12184, 12186, 12187, 12188, and 12189 of, to repeal Sections 12178 and 12180 of, and to add Sections 12180, 12187.1 and 12187.2 to, the Health and Safety Code, relating to the storage of explosives.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 12000 of the Health and Safety Code is amended to read:

12000. Unless the context otherwise requires, "explosive," as used in this division, includes any of the following: "Explosive"

(a) Gunpowder, blasting powder, dynamite, guncotton, nitroglycerin, a nitroglycerin compound, fulminate, blasting cap (electric or nonelectric), or an explosive substance having an explosive power equal to or greater than black blasting powder.

(b) A substance to be exploded or ignited to produce a force for propelling missiles or rending other substances.

"Explosive" does not include any substance specified in this section in the form of fixed ammunition for small arms, or oxidizing agents such as or comparable to ammonium nitrate.

SEC. 1.5. Section 12175 of said code is amended to read:

Mining or quarrying operations

12175. The provisions of this article regarding the amount of explosives that may be kept or stored in a magazine, or prescribing the distance at which a magazine shall be situated from a building, railroad, highway, or other magazine, do not apply to persons engaged in mining or quarrying operations.

SEC. 2. Section 12176 of said code is amended to read:

"Magazine of first class"

12176. "Magazine of the first class" means any building or structure, other than an explosives manufacturing building, used for the storage of more than 100 pounds of explosives.

SEC. 3. Section 12177 of said code is amended to read:

Specifications

12177. Magazines of the first class shall have the walls constructed of brick, concrete, tile, cement blocks, iron, aluminum, or wood covered on the outside with iron or aluminum for fire resistance.

Brick, concrete, tile and cement block walls shall be at least eight inches thick, and if bullet-resistance is required the openings in the tile or cement blocks shall be filled with coarse, dry sand, or a mixture of one part cement and 10 parts sand.

For iron or aluminum magazines, the metal shall be not less than No. 14 gauge, and if bullet-resistance is required the inside shall be lined with not less than four inches of brick, solid cement blocks, hardwood, or equivalent.

Wood or frame magazines shall have wood walls covered outside with iron or aluminum not less than 26 gauge in thickness. If bullet-resistance is required the walls shall be so built as to provide not less than a six-inch fill of coarse, dry sand, or a mixture of one part cement and 10 parts sand, between the outer wall and an inner sheathing, or the walls may be lined inside with brick, solid cement blocks, or hardwood, not less than four inches thick.

Magazines shall have no openings except for ventilation and entrance. Vent openings shall be screened to prevent sparks passing through them, except that magazines containing only black blasting powder may be constructed without openings for ventilation.

Repeal

SEC. 4. Section 12178 of said code is repealed.

SEC. 5. Section 12179 of said code is amended to read:

12179. Magazine doors shall be kept closed and locked except when opened for transacting business. They shall be of fire resistant material on the outside, and also bullet resistant if the rest of the magazine is so constructed. Doors

SEC. 6. Section 12180 of said code is repealed. Repeal

SEC. 7. Section 12180 is added to said code, to read:

12180. Magazines of the first class for the storage of high explosives, except blasting and electric blasting caps, shall be bullet, fire, and weather resistant. Magazines for the storage of blasting and electric blasting caps, and black blasting powder shall be fire and weather resistant. Requirements

SEC. 8. Section 12181 of said code is amended to read:

12181. No matches, open lights, or fire of any kind shall at any time be permitted in or around a magazine. If artificial light is needed, only an electric flashlight, electric lantern, or electric cap lamp shall be used. When explosives or detonators that are stored in a magazine become damp, electric lights may be installed for drying purposes. Such light shall be encased in vapor-tight globes and shall be kept at least five feet from such explosives and detonators. The wiring shall be in conduit and the switch located outside the magazine. Lights, etc

SEC. 9. Section 12182 of said code is amended to read:

12182. Upon the premises on which magazines are located there shall be posted signs with the words "EXPLOSIVES—KEEP OFF," legibly printed thereon in letters not less than three inches high. Signs

SEC. 10. Section 12183 of said code is amended to read:

12183. No package of explosives shall be opened in a magazine or within 50 feet thereof. Opening packages

SEC. 11. Section 12184 of said code is amended to read:

12184. Blasting caps, other detonating or fulminating caps, or detonators shall not be kept or stored in any magazine in which explosives are kept or stored, but may be kept or stored in a magazine meeting the construction requirements of this article. Blasting caps, etc.

SEC. 12. Section 12186 of said code is amended to read:

12186. The quantity of blasting caps or explosives that may be kept or stored in any magazine depends upon the distance that the magazine is situated from, and upon the protection afforded by natural or efficient artificial barricades to, the nearest building, highway, railroad, or other magazine. Storage quantity

SEC. 13. Section 12187 of said code is amended to read:

12187. In the following table is set forth the minimum distance that a magazine in which a specified quantity of blasting caps or explosives is kept shall be situated from the nearest building, railroad, highway, or other magazine: Table of minimum distances

QUANTITY AND DISTANCE TABLE

Column 1 Quantity kept or stored				Column 2	Column 3	Column 4	Column 5
Blasting caps number		Explosives pounds Over	Not over	Distance from nearest building in feet	Distance from nearest railroad in feet	Distance from nearest highway in feet	Distance from nearest magazine in feet
		2	5	140	60	60	12
		5	10	180	70	70	16
1,001-	5,000	10	20	220	90	90	20
5,001-	10,000	20	30	250	100	100	22
10,001-	20,000	30	40	280	110	110	24
20,001-	25,000	40	50	300	120	120	28
25,001-	35,000	50	75	340	140	140	30
35,001-	50,000	75	100	380	150	150	32
50,001-	65,000	100	125	400	160	160	36
65,001-	80,000	125	150	430	170	170	38
80,001-	100,000	150	200	470	190	190	42
100,001-	125,000	200	250	510	210	210	46
125,001-	150,000	250	300	540	220	220	48
150,001-	200,000	300	400	590	240	240	54
200,001-	250,000	400	500	640	260	260	58
250,001-	300,000	500	600	680	270	270	62
300,001-	350,000	600	700	710	290	290	64
350,001-	400,000	700	800	750	300	300	66
400,001-	450,000	800	900	780	310	310	70
450,001-	500,000	900	1,000	800	320	320	72
500,001-	550,000	1,000	1,200	850	340	330	78
550,001-	650,000	1,200	1,400	900	360	340	82
650,001-	750,000	1,400	1,600	940	380	350	86
750,001-	850,000	1,600	1,800	980	390	360	88
850,001-	1,000,000	1,800	2,000	1,010	410	370	90
1,000,001-	1,250,000	2,000	2,500	1,090	440	380	98
1,250,001-	1,500,000	2,500	3,000	1,160	470	390	104
1,500,001-	2,000,000	3,000	4,000	1,270	510	420	116
2,000,001-	2,500,000	4,000	5,000	1,370	550	450	122
		5,000	6,000	1,460	590	470	130
		6,000	7,000	1,540	620	490	136
		7,000	8,000	1,600	640	500	144
		8,000	9,000	1,670	670	510	150
		9,000	10,000	1,730	690	520	156
		10,000	12,000	1,750	740	540	164
		12,000	14,000	1,770	780	550	174
		14,000	16,000	1,800	810	560	180
		16,000	18,000	1,880	840	570	188
		18,000	20,000	1,950	870	580	196
		20,000	25,000	2,110	940	630	210
		25,000	30,000	2,260	1,000	680	224
		30,000	35,000	2,410	1,050	720	238

QUANTITY AND DISTANCE TABLE—Continued

Column 1 Quantity kept or stored			Column 2	Column 3	Column 4	Column 5
Blasting caps number	Explosives pounds Over	Not over	Distance from nearest building in feet	Distance from nearest railroad in feet	Distance from nearest highway in feet	Distance from nearest magazine in feet
	35,000	40,000	2,550	1,100	760	248
	40,000	45,000	2,680	1,140	800	258
	45,000	50,000	2,800	1,180	840	270
	50,000	55,000	2,920	1,220	880	280
	55,000	60,000	3,030	1,260	910	290
	60,000	65,000	3,130	1,290	940	300
	65,000	70,000	3,220	1,320	970	310
	70,000	75,000	3,310	1,350	1,000	320
	75,000	80,000	3,390	1,380	1,020	330
	80,000	85,000	3,460	1,410	1,040	340
	85,000	90,000	3,520	1,440	1,060	350
	90,000	95,000	3,580	1,460	1,080	360
	95,000	100,000	3,630	1,490	1,090	370
	100,000	110,000	3,670	1,540	1,100	390
	110,000	120,000	3,710	1,580	1,110	410
	120,000	130,000	3,750	1,620	1,120	430
	130,000	140,000	3,780	1,670	1,130	450
	140,000	150,000	3,800	1,700	1,140	470
	150,000	160,000	3,870	1,740	1,160	490
	160,000	170,000	3,930	1,780	1,180	510
	170,000	180,000	3,980	1,810	1,200	530
	180,000	190,000	4,020	1,840	1,210	550
	190,000	200,000	4,060	1,870	1,220	570
	200,000	210,000	4,110	1,910	1,240	590
	210,000	230,000	4,200	1,960	1,270	630
	230,000	250,000	4,310	2,020	1,300	670
	250,000	275,000	4,430	2,080	1,340	720
	275,000	300,000	4,550	2,150	1,380	770

SEC. 14. Section 12187.1 is added to said code, to read:

12187.1. When two or more storage magazines are located on the same property, each magazine shall comply with the minimum distances specified from buildings, railways, and highways, and in addition they shall be separated from each other by not less than the distances shown in Column 5 of the quantity and distance table, except that the quantity of blasting caps contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified Column 5 distances, then such two or more magazines, as a group, shall be considered as one magazine, and the total quantity of explosives stored in such group shall be treated as if stored in

More than one magazine

a single magazine located on the site of any magazine of the group, and shall comply with the minimum distances specified from other magazines, buildings, railways, and highways.

SEC. 15. Section 12187.2 is added to said code, to read:

Maximum storage

12187.2. Not more than 300,000 pounds of commercial explosives shall be permanently stored in a magazine or in a group of magazines which is considered to be one magazine.

SEC. 16. Section 12188 of said code is amended to read:

Reduction of minimum distance

12188. Any applicable minimum distance may be one-half of that set forth in the quantity and distance table if the nearest building, railroad, highway, or other magazine is effectually screened from the magazine either by a natural barricade or an efficient artificial barricade of such height that:

(a) A straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine will pass through the barricade.

(b) A straight line drawn from the top of any side wall of the magazine to any point 12 feet above the center of the railroad or highway will pass through the barricade.

SEC. 17. Section 12189 of said code is amended to read:

Exception to table s application

12189. The quantity and distance table is not applicable to any magazine if the nearest building, railroad, highway, or other magazine is effectually screened from the magazine by a natural ground barrier, which:

(a) At any one point is 40 feet or more in height above a straight line drawn from the top of any side wall of the magazine to any part of the building or other magazine, or to any point 12 feet above the center of the railroad or highway.

(b) Has a natural thickness of not less than 200 feet at the point where it is intersected by the straight line.

CHAPTER 931

An act to amend Sections 61200 and 61403 of the Government Code, relating to local elections.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 61200 of the Government Code is amended to read:

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 registered electors residing within the boundaries of the proposed district and all of whom shall be elected at large.

SEC. 2. Section 61403 of said code is amended to read:

Nominations

61403. Nominations for the office of director shall be made by petition of five or more registered electors filed with the secretary at least 30 days before the election.

CHAPTER 932

An act to amend Sections 3871, 3873, 3878, 3879, and 3880 of, and to repeal Section 3872 of, the Elections Code, relating to the presidential primary election.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3871 of the Elections Code is amended to read:

3871. The names of the candidates for delegate of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates shall be arranged upon the ballot of the party in the same size spaces and in the same manner as prescribed for presidential electors on the general election ballot. The person preferred by that group of candidates which first files its nomination paper with the Secretary of State shall be entitled to the first or top space; the person preferred by the group which next files its nomination paper shall be entitled to the second space; and similarly for all other persons preferred by other groups.

Ballot. Arrangement

SEC. 2. Section 3872 of said code is repealed.

Repeal

SEC. 3. Section 3873 of said code is amended to read:

3873. At the right of the name of the person preferred for President by each group, there shall be a voting square three-eighths of an inch square.

Voting square

SEC. 4. Section 3878 of said code is amended to read:

3878. At the top of the ballot shall be printed "Official presidential primary election ballot," and the instructions to voters shall be as follows: "To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred."

Heading and instructions

SEC. 5. Section 3879 of said code is amended to read:

3879. There shall be printed in heavy-face, 12-point, gothic type, across the page above the names of the persons preferred by the groups of candidates for delegates, the words, "For delegates to national convention. Vote for one group only."

Names

SEC. 6. Section 3880 of said code is amended to read:

3880. The ballot shall be printed substantially in the following form:

Form of ballot

Official Presidential Primary Election Ballot

REPUBLICAN PARTY

Fifty-seventh Assembly District, June _____, 19____

To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (✚) in the square opposite the name of the person preferred.

FOR DELEGATES TO NATIONAL CONVENTION	Vote for One Group Only
Candidates Preferring JOHN P. MONROE	
Candidates Preferring WILLIAM ADAMS	
Candidates Preferring HENRY JACKSON	
Candidates Preferring JOE BLACK	

CHAPTER 933

An act to amend Section 7100 of, and to add Section 7115 to, the Health and Safety Code, relating to dispositions to blood banks, artery banks, eye banks, or other therapeutic services.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7100 of the Health and Safety Code is amended to read:

Disposition of remains: Control

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

(a) The surviving spouse.

(b) The surviving child or children of the decedent.

(c) The surviving parent or parents of the decedent.

(d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent. Liability for costs

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. If such instructions are in a will or other written instrument, he may direct that the whole or any part of his remains be given to a teaching institution, university, college, legally licensed hospital, or to the State Director of Public Health, or to or for the use of any nonprofit blood bank, artery bank, eye bank, or other therapeutic service operated by any agency approved by the Director of Public Health under rules and regulations established by the director. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner. Instructions

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 2. Section 7115 is added to said code, to read:

7115. The written authorization for any autopsy given pursuant to Section 7113 of this code may permit the person performing the autopsy to remove any structure or organ from the remains for therapeutic or scientific uses. Pursuant to any such written authorization, any structure or organ may be given to the Director of Public Health, or to any other therapeutic service operated by any agency approved by the Director of Public Health including, but not limited to, a teaching institution, university, college, legally licensed hospital, nonprofit blood bank, nonprofit artery bank, or a nonprofit eye bank. The person performing the autopsy shall not exceed the removal permission contained in such written authorization, and the remains shall not be mutilated nor shall any portion thereof be removed for purposes other than those herein expressly permitted. Autopsy Scope of permission

Nothing in this section shall permit a coroner or other duly authorized public official to remove any structure or organ if the coroner or official has actual knowledge of a protest by any member of the classes described in subdivisions (a) through (d) of Section 7113 prior to the time of such removal.

This section shall not apply to the remains of any deceased if, prior to the autopsy, it is made known to the coroner or other duly authorized public official that the deceased at the

time of his death was a member of a religion, church, sect, or denomination which relies solely upon prayer for the healing of disease.

CHAPTER 934

An act to add Section 954 to the Elections Code, relating to election days.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 954 is added to the Elections Code, to read:

954. Notwithstanding any provision of law to the contrary, all state, county, municipal, and district elections shall be held on the Tuesday nearest to the date on which they would be held in the absence of this section. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

This section shall not apply to any election called by the Governor, nor to elections held in chartered cities the charters of which contain provisions inconsistent with the provisions of this section.

CHAPTER 935

An act to amend Section 544 of the Code of Civil Procedure and Section 26606 of the Government Code, relating to attachment and garnishment.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 544 of the Code of Civil Procedure is amended to read:

Debtors of defendant

544. All persons having in their possession, or under their control, any credits or other personal property belonging to the defendant, or owing any debts to the defendant at the time of service upon them of a copy of the writ and notice, as provided in this chapter, shall be, unless such property be delivered up or transferred, or such debts be paid to the sheriff, constable, or marshal, liable to the plaintiff for the amount of such credits, property, or debts, until the attachment or garnishment be released or discharged or any judgment recovered by him be satisfied.

Release of attachment or garnishment

The levying officer shall release such attachment or garnishment in full or in part as required, by issuing a written re-

lease addressed to the person served with the copy of the writ and notice, upon (1) written direction of the plaintiff or his attorney, or (2) upon receipt by the officer of an order of the court in which the action is pending, or a certified copy thereof, discharging or dissolving the attachment or garnishment or releasing the property; provided, no appeal is perfected and undertaking executed and filed as provided in Section 946 of this code or a certificate to that effect has been issued by the clerk of the court, or (3) in all other cases provided by law. There shall be no liability for such persons acting in conformity with such releases or for such officers releasing such attachments or garnishments in accordance with the foregoing.

SEC. 2. Section 26606 of the Government Code is amended to read:

26606. The sheriff shall release on the record all attachments of real property and shall give the required written release of attachments or garnishments of personal property when the attachment or garnishment placed in his hand has been released or discharged either in full or in part. Duty of sheriff

---

CHAPTER 936

An act to amend Sections 20025, 20107, 20165, 20334, 20361, 21028, 21029, 21207, 21251.4, 21258, 21258.1, and 21291.5; to add Sections 20495, 20605.5, 20655.2, 21026.5, 21150, 21151 and 21455; to amend and renumber Sections 21150, 21151, and 21151; and to repeal Sections 20060 and 21103 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20025 of the Government Code is amended to read:

20025. For a local member who is an employee of a contracting agency which has amended or shall amend its contract with the board to subject itself to the provisions of this section, and for a retired person who was an employee of a contracting agency which has elected or shall elect to subject itself to the provisions of both this section and Section 21251.3, and for no other member, there shall be excluded from the compensation used in any computation, to determine the portion of any benefit based on current service rendered to the contracting agency prior to the effective date of such amendment, any compensation in excess of four hundred sixteen dollars and sixty-six cents ($416.66) per month, unless such member shall elect, at any time prior to retirement, by written notice filed in the office of the board, to pay into the Maximum compensation

Retirement Fund, by lump sum payments or at times, in amounts, and in a manner fixed by the board, and thereafter pays into the Retirement Fund, (1) such additional amount as he would have contributed as a part of his normal contributions as an employee of such contracting agency, assuming the entire compensation earned by him was subject to normal contributions; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption; and (3) in the case of any member electing to make payment in other than a lump sum, interest on the balance of the amount payable into the Retirement Fund, pursuant to such election, at the rate of interest currently being used from time to time under this system. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any additional accumulated contributions with which he is entitled to be credited.

The entire compensation of a member shall be included in any computation to be made under this part to determine the portion of any benefit based on current service rendered on and after the effective date of such amendment to the contract. If a member makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this part for the entire period of his current service rendered as an employee of such contracting agency and with which he is entitled to be credited at retirement.

A local member's entire compensation shall be included in any computation to be made under this part for the period of his current service with which he is entitled to be credited and which was rendered as an employee of a contracting agency whose contract by express provision on its effective date made the contracting agency subject to the provisions of this section.

This section shall not apply to any state member; nor shall it apply to any contracting agency nor to its employees 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 unless an express provision included in the contract on its effective date, made the contracting agency subject to the provisions of this section.

SEC. 2. Section 20107 of said code is amended to read:

Delegation of authority

20107. The board may appoint a committee of one or more of its members to perform any act within the power of the board itself to perform. The board may also delegate authority to the executive officer to perform any such act. Except where the board, in delegating authority to a committee or the executive officer, provides that the committee or the executive officer may act finally, all acts of the committee or the executive officer shall be reported to the board, at its next

regular meeting, and shall be subject to review and ratification or reversal by the board.

Reversal by the board of any act of the committee or the executive officer shall be effective as of the date fixed by the board, but payment of benefits prior to board action shall not be affected by such action, except for such recovery of amounts paid from the person to whom they were paid as the board may direct.

The executive officer may delegate to his subordinates any act or duty unless the board by motion or resolution recorded in the minutes has required him to act personally.

SEC. 3. Section 20165 of said code is amended to read:

Adjustments

20165. If more or less than the correct amount of contribution required of members, the State, or any contracting agency, is paid, proper adjustment shall be made in connection with subsequent payments, or such adjustments may be made by direct cash payments between the member, State, or contracting agency concerned and the board. Adjustments to correct any other errors in payments to or by the board, including adjustments of contributions, with interest, which are found to be erroneous as the result of corrections of dates of birth, may be made in the same manner. Adjustments to correct overpayment of a retirement allowance may also be made by adjusting the allowance so that the retired person or the retired person and his beneficiary, as the case may be, will receive the actuarial equivalent of the allowance to which the member is entitled. Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic write-off, and losses or gains in greater amounts specifically approved for write-off by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

SEC. 4. Section 20334 of said code is amended to read:

Exclusions· Part-time employees

20334. An employee serving on a part-time basis is excluded from this system unless:

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

(b) His employment is regular and continuous and in the opinion of the board will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis; or

(c) He is a member at the time he commences to serve on a part-time basis; or

(d) He commences to serve, without a break in employment, on a less than half-time basis following the completion of six months of employment by the State or by a contracting agency uninterrupted by a break of more than one month.

SEC. 5. Section 20361 of said code is amended to read:

Elective officer

20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed 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. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or the contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contributions shall be based on the nearest age at the time he first was excluded.

As used in this part, "elective officer" includes any officer of the Senate or Assembly who is elected by vote of the members of either or both of such houses of the Legislature, and any appointive officer of a city or county occupying a fixed term of office, as well as officers of the State or contracting agencies elected by the people.

SEC. 6. Section 21028 of said code is amended to read:

Medical examination

21028. The board may require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his class to undergo medical examination, and upon his application for reinstatement, shall cause a medical examination to be made of any such recipient who is at least six months less than the age of compulsory retirement for service applicable to members of the class or category in which it is proposed to employ him. The board shall also cause such examination to be made upon application for reinstatement to the position held at retirement or any position in the same class, of a person who was incapacitated for performance of duty in such position at the time of a prior reinstatement to another position. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination the board shall determine whether he is still incapacitated, physically or mentally, for duty in the state agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or in a position in the same classification, and for the duties of the position with regard to which he has applied for reinstatement from retirement.

SEC. 7. Section 21029 of said code is amended to read:

Termination of disability

21029. If the board determines that such recipient is not so incapacitated for duty in the position held when retired for disability or in a position in the same classification or in the

position with regard to which he has applied for reinstatement, his disability retirement allowance shall be canceled forthwith, and he shall become a member of the retirement system.

If the recipient was an employee of the State or of the university and is so determined to be not incapacitated for duty in the position held when retired for disability or in a position in the same class, he shall be reinstated, at his option, to such position; provided, that acceptance in such case of any other position shall immediately terminate any right to such reinstatement. Such recipient who is found to continue incapacitated for duty in his former position and class, but not incapacitated for duty in another position for which he has applied for reinstatement and who accepts employment in such other position, shall upon subsequent discontinuance of incapacity for service in his former position or a position in the same class, as determined by the board under Section 21028, be reinstated at his option to such position.

If the recipient was an employee of a contracting agency, the board shall notify it that his disability has terminated and that he is eligible for reinstatement to duty. The fact that he was retired for disability does not prejudice any right to reinstatement to duty which he may claim.

SEC. 8. Section 21207 of said code is amended to read:

21207. If any person entitled to a benefit of not more than one thousand dollars ($1,000) from this system is a minor who has no guardian of his estate, the board may pay it to the person entitled to the custody of the minor to hold for the minor, if the person files with the board his acknowledged and verified statement that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value. Payment so made is a full discharge of the board and this system. The person shall account to the minor for the money when the minor reaches the age of majority. Payment to minor

SEC. 9. Section 21251.4 of said code is amended to read:

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 with a retirement allowance based on "final compensation" as defined under Section 20024 of this part, 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 Increases

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
July 1, 1952, to date of application of this section	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.

(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 whose special death benefit was computed on the basis of "final compensation" as defined in Section 20024 of this part, 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
July 1, 1952, to date of application of this section	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.

(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.

SEC. 10. Section 21258 of said code is amended to read:

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 allowance

(b) If a member entitled to credit for prior service 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 em-

ploying 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 entitled to credit for prior service 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. 11 Section 21258.1 of said code is amended to read:

Same

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.

(b) If a member entitled to credit for prior service 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. 12. Section 21291.5 of said code is amended to read:

21291.5. Upon retirement for nonindustrial disability, a local safety member who has attained the minimum age at which he may retire for service without an actuarial discount because of age, shall receive his service retirement allowance. Nonindustrial disability

SEC. 13. Section 20495 is added to Article 2 of Chapter 4 of Part 3 of Division 5 of Title 2 of said code, to read:

20495. If the public agency has an existing local retirement, pension or annuity fund or system and the proposed contract is to make all or part of the members of the local system members of this system, the contract may provide that the normal rate of contribution of persons who are members of the local system on contract date shall be based on age at entry into the local system. Contract provisions where existing system

SEC. 14. Section 20605.5 is added to said code, to read:

20605.5. The normal rate of contribution for a local member who was a member of a local system at the time it was discontinued by inclusion of members of such local system in this system shall, if the contract so provides, be based on age at entry of such member into the local system. Contribution rate

SEC. 15. Section 20655.2 is added to said code, to read:

20655.2. Any amount which a member elected to pay under any election with respect to normal contributions permitted under this part prior to withdrawal of accumulated contributions, including amounts unpaid at the time of such withdrawal, and any amount of arrears contributions then unpaid shall be included, upon subsequent re-entry into the system, in the amount of withdrawn contributions for purposes of redeposit under this article. Upon such redeposit of withdrawn contributions, a member shall be entitled to all rights accruing from such election with respect to normal contributions in all respects as though payment had been completed at the time of the withdrawal of accumulated contributions. Redeposit of withdrawn contributions

SEC. 16. Section 21026.5 is added to said code, to read:

21026.5. The commission shall have continuing jurisdiction over its determinations made under Section 21026 and may at any time within five years of the injury, upon notice and after an opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such determination, good cause appearing therefor. Continuing jurisdiction over determinations

SEC. 17. Section 21150 is added to Article 5 of Chapter 8 of Part 3 of Division 5 of Title 2 of said code, to read:

21150. Except as otherwise provided in this article, a person who has been retired under this system for service or for disability shall not be employed in any capacity thereafter by the State, the university, or by a contracting agency unless he has first been reinstated from retirement pursuant to this chapter. Any person employed in violation of this section and any public officer who knowingly employs or appoints him shall be jointly and severally liable to reimburse the State Employment of retired person

or the contracting agency, as the case may be, for any compensation paid in such employment.

SEC. 18. Section 21455 is added to Chapter 10 of Part 3 of Division 5 of Title 2 of said code, to read:

Three-year limitation on actions

21455. Actions brought by the board under this chapter shall be commenced within three years after the liability of the system to pay benefits is fixed. Liability of the system is fixed at the time the board approves the payment of benefits under this part.

SEC. 19. Section 21150 of Article 5 of Chapter 8 of Part 3 of Division 5 of Title 2 of said code is amended and renumbered to read:

Employment for litigation purposes

21152. Any person who has been retired under this part may, without reinstatement from retirement or loss or interruption of benefits under this part, be employed and paid a per diem and actual and necessary traveling expenses by any state agency in which he previously served while a member of the system, where by reason of actual or potential litigation involving the State or such agency and adverse interests, public or private, the services of such person are or may be necessary in preparing for trial or in testifying as to matters within or based upon his knowledge acquired while employed. No such person shall be so paid at a greater rate of compensation per diem than the rate ordinarily paid other persons by state agencies for similar services, nor shall any such person in any calendar year be employed for more than 30 days, nor be paid more than one thousand five hundred dollars ($1,500) for the performance of such services, exclusive of traveling expenses in connection therewith.

This section shall not be construed so as to permit the employment of retired persons as consultants with reference to any matter with which they were not directly concerned while employed.

SEC. 20. Section 21151 of said code, added by Chapter 253 of the Statutes of 1955, is amended and renumbered to read:

Appointments to nonsalaried positions

21153. The Governor may appoint any person who has been retired under this part as a member of any nonsalaried board or commission, without reinstatement from retirement or loss or interruption of benefits under this part.

Appointment under the provisions of this section shall not be deemed employment within the meaning of Divisions 4 and 4½ of the Labor Code, and shall not provide a basis for the payment of workmen's compensation to a retired state employee or to his dependents.

SEC. 21. Section 21151 of said code, added by Chapter 973 of the Statutes of 1955, is amended and renumbered to read:

Colorado River consultant

21154. A contracting agency furnishing a public water supply from the Colorado River may employ a person receiving a retirement allowance under this system who has special knowledge, experience and qualifications with reference to problems incident to providing such water supply from said

Colorado River, to render services of a professional, scientific, or technical nature, in connection with litigation or prospective litigation involving such contracting agency, and may pay such person for services so rendered, pursuant to written contract setting forth the terms and duties of such employment. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the State Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

The monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency pursuant to such contract of employment, shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

This section shall be effective notwithstanding the provisions of Section 21150 of this code or any other provision of law.

SEC. 22. Section 21151 is added to Article 5 of Chapter 8 of Part 3 of Division 5 of Title 2 of said code, to read:

21151. Any person who has been retired under this part may, without reinstatement from retirement or loss or interruption of benefits under this part, serve as a juror or election officer and receive any fees payable for such service. Jury duty, etc.

SEC. 23. Section 20060 of said code is repealed. Repeal

SEC. 24. Section 21103 of said code is repealed. Same

SEC. 25. This act shall become operative on the first day of the month next succeeding the ninetieth day after final adjournment of the 1957 Regular Session of the Legislature. Operative date

CHAPTER 937

An act to amend Sections 21291 and 21298 of the Government Code, relating to the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21291 of the Government Code is amended to read:

Retirement for disability

21291. Upon retirement for disability, a local miscellaneous member who has attained the minimum age at which he may retire for service without an actuarial discount because of age, shall receive his service retirement allowance.

SEC. 2. Section 21298 of said code is amended to read:

Requirements for allowance

21298. The disability retirement allowance of a local miscellaneous member retired for disability or a local safety member retired for nonindustrial disability and the requirements for obtaining it are the same as those for state members so retired if the employing contracting agency elects, by express provision in its contracts, or by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive.

If, however, the employing contracting agency does not so elect, then as to the local miscellaneous members employed by that agency retired for disability and the local safety members employed by that agency retired for nonindustrial disability, the requirements for obtaining the disability retirement allowance are the same as those for state members so retired, but the disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 percent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation. This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

In no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance

under either subdivision (a) or (b), exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member were he to continue in service and retire at age 65.

The disability retirement pension shall be derived from the contributions of the employer.

SEC. 3. This act shall become operative on the first day of the month next succeeding the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature. Operative date

---

CHAPTER 938

An act to amend Sections 18021, 18950, 19142, 19175, and 19574, and to repeal Section 18953, of the Government Code, relating to employment in the state service.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18021 of the Government Code is amended to read:

18021. For each class or position for which a monthly or annual salary range is established by the State Personnel Board or by the Department of Finance, 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. Workweek groups

SEC. 2. Section 18950 of said 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. Vacancies

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 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.

SEC. 3. Section 18953 of said code is repealed. Repeal

SEC. 4. Section 19142 of said code is amended to read:

Positions subject to reinstatement rights

19142. Every person accepts and holds a position in the state civil service subject to reinstatement of another person thereto: (a) In accordance with Section 19141, or return following rejection under the provisions of Section 19364, or Section 19369, or (b) from leave of absence, or (c) by the board or by order of a court of competent jurisdiction. The status of the person displaced shall be determined by the board, but he shall not be deprived of his earned position on the employment list from which he was certified.

SEC. 5. Section 19175 of said code is amended to read:

Rejected probationer

19175. The board at the written request of a rejected probationer, filed within 10 calendar days of the effective date of rejection, may investigate with or without a hearing the reasons for rejection. After investigation, the board may:

(a) Affirm the action of the appointing power; or

(b) Restore the name of the rejected probationer to the employment list for certification to any position within the class; provided, that his name shall not be certified to the agency by which he was rejected, except with the concurrence of the appointing power thereof; or

(c) Restore him to the position from which he was rejected, but this shall be done only if the board determines, after hearing, that there is no substantial evidence to support the reason or reasons for rejection, or that the rejection was made in fraud or bad faith. At any such hearing the rejected probationer shall have the burden of proof; subject to rebuttal by him, it shall be presumed that the rejection was free from fraud and bad faith and that the statement of reasons therefor in the notice of rejection is true.

SEC. 6. Section 19574 of said code is amended to read:

Punitive action

19574. The appointing power, or any person authorized by him, may take punitive action against an employee for one or more of the causes for discipline specified in this article by notifying the employee of the action, pending the service upon him of a written notice. Punitive action is valid only if a written notice is served on the employee and filed with the board not later than 15 calendar days after the effective date of the punitive action. The notice shall be served upon the employee either personally or by mail and shall include: (a) a statement of the nature of the punitive action; (b) the effective date of the action; (c) a statement of the causes therefor; (d) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; and (e) a statement advising the employee of his right to answer the notice and the time within which that must be done if the answer is to constitute an appeal.

CHAPTER 939

An act to amend Sections 73824 and 73825 of the Government Code, relating to compensation of employees of the municipal court established in the City of Modesto.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 73824 of the Government Code is amended to read:

73824. There shall be one marshal who shall receive a salary of three hundred thirty-three dollars ($333) monthly, with annual increments of sixteen dollars ($16), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of four hundred dollars ($400) monthly. Salaries Marshal

SEC. 2. Section 73825 of said code is amended to read:

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 three hundred eighteen dollars ($318) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred eighty-two dollars ($382) monthly. Deputy marshals

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred fifty-three dollars ($253) monthly with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of three hundred four dollars ($304) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 940

An act to amend Section 73822 of, to repeal Section 73823 of, and to add Section 73823 to the Government Code, relating to the Modesto Municipal Court.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

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 eighty-two dollars ($382) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred sixty dollars ($460) monthly. 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:

Salaries Deputy clerks

(a) One assistant clerk who shall receive a minimum salary of three hundred thirty-three dollars ($333) monthly, with annual increments of sixteen dollars ($16), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of four hundred dollars ($400) monthly.

(b) Two deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of three hundred eighteen dollars ($318) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred eighty-two dollars ($382) monthly.

(c) Two deputy clerks each of whom 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.

(d) Four deputy clerks each of whom shall receive a minimum salary of two hundred fifty-three dollars ($253) monthly, with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of three hundred four dollars ($304) monthly.

(e) Two deputy clerks each of whom shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly.

Upon the effective date of this section, the incumbent officers and attaches shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attache was first appointed to the position in which the increment is sought.

CHAPTER 941

An act to amend Section 21702 and to repeal Section 21708 of the Government Code, relating to integration of the State Employees' Retirement System and Old-Age and Survivors Insurance, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21702 of the Government Code is amended to read:

21702. Any contract heretofore entered into under the State Employees' Retirement Law between the board and a public agency may be amended to, and any such contract hereafter entered into may, provide such modification of benefits and adjustment of employee contributions under the State Employees' Retirement Law as may be agreed to by the board; provided, the agreement executed by the board pursuant to Section 218 of Title II of the Social Security Act is modified to include in the federal system the employees of the agency in positions covered by the state system. Amendment to contracts

The amendment to the contract shall be made in the manner prescribed in the State Employees' Retirement Law for the approval of contracts.

SEC. 2. Section 21708 of said code is repealed. Repeal

SEC. 3. This act is an emergency 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 provisions of the Social Security Act for retroactive coverage under Old-Age and Survivors Insurance which permit persons to be eligible for benefits immediately upon coverage action, require that such action be taken prior to 1958. Such coverage action must be preceded by at least 90 days' notice to the employees. Accordingly the right to retroactive coverage and thus the ability of persons now at retirement age to retire with benefits under Old-Age and Survivors Insurance will be seriously prejudiced in a contracting agency which desires a modification of its contract as authorized under this act unless the act takes effect immediately.

CHAPTER 942

An act to amend Sections 6508 and 6504 of the Government Code and to add Section 6513.1 to said code, relating to joint exercise of power agreements under or pursuant to Article 1, Chapter 5, Division 7, Title 1 of the Government Code.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6508 of the Government Code is amended to read as follows:

6508. The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one of the parties to the agreement but is a commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the follow- Powers of agency

ing: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any buildings, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations which do not constitute the debt, liability or obligation of any of the parties to the agreement, said agency shall have the power to sue and be sued in its own name.

SEC. 2. Section 6504 of the Government Code is amended to read:

Permissive provisions in agreement

6504. The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement or (b) payments of public funds may be made to defray the cost of such purpose or (c) advances of public funds be made for the purpose set forth in the agreement, such advances to be repaid as provided in said agreement. The funds may be paid to and disbursed by the agency agreed upon.

SEC. 3. Section 6512.1 is added to the Government Code, to read:

Revenue-producing facilities

6512.1. If the purpose set forth in the agreement is the acquisition, construction or operation of a revenue-producing facility, the agreement may provide (a) for the repayment or return to the parties of all or any part of any contributions, payments or advances made by the parties pursuant to Section 6504 and (b) for payment to the parties of any sum or sums derived from the revenues of said facilities. Payments, repayments or returns pursuant to this section shall be made at the time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or the completion of the purpose of the agreement.

CHAPTER 943

An act to amend Sections 6546, 6548, 6549, 6550, 6553, 6561, 6572 and 6576 of the Government Code and to add Section 6547.1 to said code, all relating to the incurring of indebtedness and the issuance, sale and payment of revenue bonds by an agency, commission or board created or provided for under Article 1, Chapter 5, Division 7, Title 1 of said Government Code.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6547.1 is added to the Government Code, to read:

Power to incur indebtedness

6547.1. Any entity which shall have been authorized to exercise the power to issue revenue bonds pursuant to this article shall have the further additional power to incur other

forms of indebtedness pursuant to this section. Said further additional power shall not be exercised until authorized by the parties to the agreement. Said indebtedness may be evidenced by one or more bonds of any denomination issued pursuant to this article, or may consist of a note, warrant or other evidence of indebtedness which may be secured by a pledge, with the power of sale, of all or any part of bonds theretofore authorized or issued under this article. Said bond or bonds, or notes, warrants, or other evidences of indebtedness may be issued in negotiable form, in which case they shall be negotiable The resolution authorizing the incurring of an indebtedness pursuant to this section may make any of the covenants and provide any of the terms or conditions authorized to be made or provided for in the case of bonds issued under this article, may provide for the sale or other disposition of any pledged bonds, and may contain any other covenant, term or condition which the governing body of the entity deems necessary or desirable to facilitate the incurring of said indebtedness or for the protection of the lender. Any such indebtedness shall be payable only from such sources as are authorized under this article for the payment of principal and interest on bonds or from the proceeds of refunding bonds issued pursuant to this article. Such indebtedness of the entity shall not constitute a debt, liability or obligation of any of the public agencies who are parties to the agreement creating such entity.

SEC. 2. Section 6549 of the Government Code is amended to read:

6549. An indenture providing the terms and conditions for the issuance of the bonds and the covenants relating thereto shall be adopted in or approved by resolution. Such indenture shall describe or state the revenues and funds from which the bonds shall be payable. Such funds or revenues shall include the revenues derived from the operation of the project or projects for which the bond proceeds are used or expended and any other revenues derived therefrom, and may also include revenue, including existing funds, of the entity derived from any other building or buildings, coliseum, stadium, facilities or other sources and any or all extensions or renewals thereof. Indenture

SEC. 3. Section 6550 of the Government Code is amended to read:

6550. The principal and interest of the bonds shall be payable: Source of payment

(a) First, out of the revenue derived from the operation of the project or projects for which the bond proceeds were or are to be used or expended, or any other revenues derived from said project;

(b) Second, from such other revenues, including existing funds, of the entity as are described or stated as security for the bonds in the indenture in accordance with Section 6549 hereof.

SEC. 4. Section 6572 of the Government Code is amended to read:

Security

6572. The bonds shall be secured by a pledge of and lien upon the revenues of the project described in the indenture authorizing the issuance of the bonds, and such revenues may be used only as provided in said indenture. The revenues of the project include revenues from improvements to or additions to or extensions thereof later constructed or made. The bonds shall also be secured by additional revenues, including existing funds, if any, of the entity from other sources, to the extent set forth in the indenture.

SEC. 5. Section 6546 of the Government Code is amended to read:

Additional powers

6546. In addition to other powers, any agency, commission or board provided for by a joint powers agreement pursuant to Article 1, if such entity has the power to acquire, construct, maintain or operate:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products;

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings;

may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a structure or structures or facility or facilities which may include any or all of said purposes.

SEC. 6. Section 6548 of the Government Code is amended to read:

Revenue bonds

6548. The revenue bonds may be issued to provide all or any part of the funds required for the acquisition, construction and financing of said project, including any or all expenses incidental thereto or connected therewith, and such expenses may include engineering, inspection, legal and fiscal agents' fees, costs of the issuance and sale of said bonds, working capital, reserve fund, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. The proceeds of the bonds shall be used only for the project provided for in the indenture pursuant to which such revenue bonds are issued.

SEC. 7. Section 6553 of the Government Code is amended to read:

Indenture

6553. The indenture authorizing the issuance of such bonds shall recite the objects and purposes for which the bonds are to be issued, which may include any or all of the purposes stated in this article and which shall comprise the project, the principal amount of the bonds, the maximum rate of interest to be payable thereon which shall not exceed six percent (6%)

per annum, payable semiannually, except that interest for the first year may be made payable at the end of said year, the date or dates of issue of said bonds, the maturity date or dates thereof, and the fund or funds from which said bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable, and such other provisions authorized by this article as the governing body of the entity deems necessary or desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this article shall be conclusive evidence of compliance with the provisions of this article and of the validity of such bond.

SEC. 8. Section 6561 of the Government Code is amended to read:

6561. The indenture may contain covenants or other provisions providing for prohibitions against or limitations upon the issuance of any additional bonds or the incurring of additional indebtedness payable from the revenues of the project. Same

SEC. 9. Section 6576 of the Government Code is amended to read:

6576. The entity may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the entity and any other indebtedness incurred by the entity. All provisions of this article applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds

---

CHAPTER 944

An act to amend Sections 53200, 53201, 53202, 53205, 53206, and 53207 of, to repeal Sections 53203 and 53204 of, and to add Sections 53208 and 53209 to, the Government Code, relating to health and welfare benefits for public employees.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 53200 of the Government Code is amended to read:

53200. As used in this article: Definitions

(a) "Local agency" means a county, city, school district, municipal corporation, political subdivision, public corporation, or other public agency of the State.

(b) "Group life insurance" and "group policies of life insurance" includes "group annuities" and "group annuity contracts."

(c) "Legislative body" means the board of supervisors of a county or city, or the governing board, by whatever name called, of a school district, municipal corporation, political subdivision, public corporation, or other public agency of the State.

(d) "Health and welfare benefit" means any one or more of the following: hospital, medical, surgical, disability, or related benefits, whether provided on an insurance or a service basis, and includes group life insurance as defined in subdivision (b) of this section.

(e) "Employees" or "officers and employees" mean all employees and officers, including members of the legislative body, who are eligible under the terms of any plan of health and welfare benefits adopted by a local agency pursuant to this article.

SEC. 2. Section 53201 of the Government Code is amended to read:

Health and welfare benefits

53201. The legislative body of a local agency may provide for any health and welfare benefits for the benefit of its officers and employees who elect to accept the benefits and who authorize the local agency to deduct the premiums, dues or other charges from their compensation, to the extent that such charges are not covered by payments from funds under the jurisdiction of the local agency as permitted by Government Code Section 53205.

SEC. 3. Section 53202 of the Government Code is amended to read:

Same

53202. In providing health and welfare benefits the local agency may contract with one or more admitted insurers or health service organizations for such plan or plans of health and welfare benefits as the local agency shall determine to be in the best interests of the local agency and the officers and employees electing to accept the benefits. Application for such benefits may be made by the local agency upon its own motion or with the consent of the legislative body after considering the preference of the employees of the agency, and two or more alternative plans of health and welfare benefits may be offered to the employees if the local agency determines that such action is desirable.

Repeal

SEC. 4. Section 53203 of the Government Code is hereby repealed.

Same

SEC. 5. Section 53204 of the Government Code is hereby repealed.

SEC. 6. Section 53205 of the Government Code is amended to read:

Payment of dues, etc

53205. From funds under its jurisdiction, the legislative body may authorize payment of all or such portion as it may elect of the premiums, dues, or other charges for health and welfare benefits on officers and employees subject to its jurisdiction.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums, dues or other charges for such health and welfare benefits, any dividends paid or premiums refunded or other rebates or refunds under any such health and welfare benefits up to the aggregate expenditures of the employer for such benefits are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such employees or their dependents generally.

SEC. 7. Section 53206 of the Government Code is amended to read:

Pay roll deductions

53206. Any law prohibiting, restricting, or limiting the assignment of or order for wages or salary does not prohibit, restrict, or limit the powers conferred in this article nor the power of officers or employees to authorize and approve payment of charges for health and welfare benefits.

The local agency may pay amounts derived from pay roll deductions permitted by Section 53202 of the Government Code and amounts derived from employer contributions pursuant to Section 53205 of the Government Code directly to the contracting insurers or service organizations, or to the trustees of a fund established to procure health and welfare benefits, or to such other recipients as the contracting insurers, service organizations, and the local agency may designate.

SEC. 8. Section 53207 of the Government Code is amended to read:

Employee option

53207. This article does not require an officer or employee of a local agency to accept or join in any plan of health and welfare benefits or to authorize deductions from their wages or salaries for any portion of the costs thereof.

SEC. 9. Section 53208 is added to said code, to read:

Statutory limitations

53208. Notwithstanding any statutory limitation upon compensation or statutory restriction relating to interest in contracts entered into by any local agency, any member of a legislative body may participate in any plan of health and welfare benefits permitted by this article.

SEC. 10. Section 53209 is added to said code, to read:

Legislative intent

53209. Amendments made in this article by the Legislature at the 1957 Regular Session, including, but not limited to, the repeal of Government Code Sections 53203 and 53204, are intended to enlarge the classification of service-type organizations eligible for pay roll deductions and employer contributions hereunder, to liberalize restrictions on the extent of employer contributions permitted, and to broaden the classes of employees eligible for benefits hereunder, and no change effected in this article by the Legislature at the 1957 Regular Session shall be construed to alter or affect the legal status or eligibility of any organization heretofore eligible for pay roll deductions or employer contributions hereunder.

CHAPTER 945

An act to amend Section 12465 of the Government Code, relating to destruction of records by the Controller.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12465 of the Government Code is amended to read:

12465. When they are in excess of five years old, reports from county and city officials and individuals, claims, canceled and paid warrants, pay roll documents, and other records may be destroyed by the Controller, with the concurrence of the Director of Finance.

CHAPTER 946

An act to amend Section 6702 of the Government Code, relating to the closing of city offices.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6702 of the Government Code is amended read:

6702. Every Saturday from noon to midnight is a holiday as regards the transaction of business in the public offices of the State and political divisions where laws, ordinances, or charters provide that public offices shall be closed on holidays. This section shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument during such period. Public offices of a city shall be closed on those holidays enumerated in Section 6700 unless otherwise provided by charter or ordinance.

CHAPTER 947

An act to amend Sections 127, 181, 1054, 1360, 1411, 1412, 1413, 1414, 1415, 1615, 1616, 1617, 1618, 1651, 1676, 1677, 13011, 20016, 20019, 20082, 20083, 20084, 20085, and 20086 of, to add Sections 133 and 163 to, and to repeal Sections 1361, 1362 and 1363 of, the Water Code, to amend Sections 8112, 8118, 8132, and 8138 of, and to add Sections 14105 and 16049.5 to the Government Code, to amend and renumber Section 9065 of the Public Resources Code, and to amend

Section 1 of Chapter 1693 of the Statutes of 1953, relating to the water resources of the State and the administration thereof.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 127 of the Water Code is amended to read:

127. The department is authorized to employ legal counsel who shall advise the director, represent the department in connection with legal matters before other boards and agencies of the State, and may, when authorized by the Attorney General, represent the department and the State in litigation concerning affairs of the department. In any event, the legal counsel of the department may, with the approval of the director and with the consent of the court before which the action is pending, present to the court the views of the department with respect to the action. Sections 11041, 11042, 11043, 16048, 16049, and the first sentence of Section 11157 of the Government Code are not applicable to the Department of Water Resources. Legal counsel

SEC. 2. Section 133 is added to said code, to read:

133. The department may cooperate and contract with any agency of the State or of the United States in order to carry out its powers and purposes. Cooperation with other agencies

SEC. 3. Section 163 is added to said code, to read:

163. The department may employ such assistance for the State Water Board as may be necessary for the proper discharge of its duties and may purchase or rent for the board any necessary supplies, instruments, tools, equipment, and conveniences. Department's power re State Water Board

SEC. 4. Section 181 of said code is amended to read:

181. The board shall maintain its headquarters at Sacramento and may establish branch offices in such parts of the State as the board deems necessary. The board shall hold meetings at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board. All meetings of the board shall be open and public. Two members of the board shall constitute a quorum for the purpose of transacting any business of the board. Headquarters, etc., of board

SEC. 5 Section 1054 of said code is amended to read:

1054. The board and the department may certify to all of their official acts and may certify copies of all official documents and orders filed in their respective offices. For the purpose of making such certifications, the board and the department may adopt seals. Certification of official acts

SEC. 6. Section 1360 of said code is amended to read:

1360. Any person interested in any application may, within 30 days after final action by the board, file a petition for a writ of mandate in the superior court in and for the Petition for writ of mandate

county in which the applicant seeks to divert water under the application to inquire into the validity of the action of the board.

Repeals

SEC. 7. Sections 1361, 1362, and 1363 of said code are repealed.

SEC. 8. Section 1411 of said code is amended to read:

Findings re revocation

1411. The findings and declaration of the board on the revocation of a permit shall be deemed to be prima facie correct until set aside by a court of competent jurisdiction.

SEC. 9. Section 1412 of said code is amended to read:

Petition for writ of mandate

1412. The holder of any permit which is revoked may, within 30 days after the revocation, file a petition for a writ of mandate in the superior court of the county in which is situated the point of proposed diversion of the water to inquire into the validity of the order revoking the permit.

SEC. 10. Section 1413 of said code is amended to read:

Effect of no petition

1413. Unless the petition for a writ of mandate is filed within the time specified all rights of the permittee under the permit cease and lapse.

SEC. 11. Section 1414 of said code is amended to read:

Continuation of priority

1414. The priority of right of any permittee filing a petition for a writ of mandate under this article continues under the permit until a final judgment is rendered as to the validity of the order revoking the permit.

SEC. 12. Section 1415 of said code is amended to read:

Effect of revoked permit

1415. Until and unless the order revoking the permit is finally ordered to be set aside by the court, the permittee shall not take or use any of the water the right to take and use which is granted by the permit.

SEC. 13. Section 1615 of said code is amended to read:

Petition for writ of mandate

1615. The holder of any permit to whom the board has refused to issue a license, may, within 30 days after the refusal, file a petition for a writ of mandate in the superior court, to inquire into the validity of the order of the board refusing to issue the license.

SEC. 14. Section 1616 of said code is amended to read:

Effect of no petition

1616. Unless the petition for a writ of mandate is filed within the time specified all rights of the holder of the permit under the application and permit lapse and cease.

SEC. 15. Section 1617 of said code is amended to read:

Continuation of rights

1617. The rights of the holder of any permit so filing a petition for a writ of mandate shall continue under the permit until the judgment in the proceedings has been entered and become final.

SEC. 16. Section 1618 of said code is amended to read:

Effect of license refusal

1618. Until the order of the board refusing to issue the license is finally ordered to be set aside by the court, the permittee shall not take or use any of the water, the taking and using of which is granted to him by the permit.

SEC. 17. Section 1651 of said code is amended to read:

Final order Filing

1651. Whenever an order revoking a license in whole or in part becomes final a true copy of the order shall be filed

promptly by the board in the office or offices in which a copy of the license affected is on file.

SEC. 18. Section 1676 of said code is amended to read:

Findings re revocation

1676. The findings and declaration of the board on the revocation of a license shall be deemed to be prima facie correct until the order revoking the license is ordered to be set aside by a court of competent jurisdiction.

SEC. 19. Section 1677 of said code is amended to read:

Time limit

1677. Any petition for a writ of mandate to inquire into the validity of an order of the board revoking a license shall be commenced within 30 days after the service of notice of revocation on the licensee, his heirs, successors or assigns.

SEC. 20. Section 13011 of said code is amended to read:

Membership of state board

13011. The state board consists of nine members appointed by the Governor and the following officers of the State or their nominees:

(a) The Director of Public Health;
(b) The Director of Water Resources;
(c) The Director of Natural Resources;
(d) The Director of Agriculture;
(e) The Director of Fish and Game.

Of the nine members appointed by the Governor, at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water;
(b) Irrigated agriculture;
(c) Industrial water use;
(d) Production of industrial waste;
(e) Public sewage disposal;
(f) City government;
(g) County government.

Insofar as reasonably practicable the Governor shall appoint a member from each of the nine regions defined in Section 13040.

Of the members originally appointed to the state board, three members shall be appointed for a term of two years commencing on the effective date of this act; three members shall be appointed for a term of three years commencing on the effective date of this act; and three members shall be appointed for a term of four years commencing on the effective date of this act. Thereafter, all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

SEC. 21. Section 20016 of said code is amended to read:

Membership of commission

20016. The commission consists of the following five members:

(a) The Attorney General.
(b) The Director of Water Resources.
(c) The Superintendent of Banks.
(d) Two other members appointed by the Governor.

SEC. 22. Section 20019 of said code is amended to read:

Compensation

20019. Each member of the commission other than the Attorney General, the Director of Water Resources, and the Superintendent of Banks shall be entitled to receive as compensation ten dollars ($10) for each day while on official business of the commission. All members shall be entitled to receive their actual necessary expenses while on official business of the commission.

SEC. 23 Section 20082 of said code is amended to read:

Expenditures

20082. No expenditures from the proceeds of certified bonds shall be made by the treasurer, or any other person in custody of the proceeds, of a district for any purpose not specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule without the consent of the commission or the director on behalf of the commission. A certified copy of such approved schedule shall be filed with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.

SEC. 24. Section 20083 of said code is amended to read:

Inspection

20083. During the progress of any work to be paid from the proceeds of any certified bond issue, the director on behalf of the commission shall make from time to time an inspection of the work and report thereon to the commission in order that the commission may be advised as to the progress of the work.

SEC. 25. Section 20084 of said code is amended to read:

Deviation from plans, etc

20084. The director on behalf of the commission is empowered to approve any deviation from the plans or expenditure schedules previously approved by the commission, if in his judgment such deviations are reasonable and proper.

SEC. 26. Section 20085 of said code is amended to read:

Report by director

20085. Upon completion of the work to his satisfaction, the director shall make a written report to the commission to that effect submitting therein a schedule of the expenditures as actually made from the proceeds of the certified bond issue.

SEC. 27. Section 20086 of said code is amended to read:

Report by commission

20086. Upon receipt of the report from the director upon the completed project advising that the work performed from the proceeds of certified bonds has been completed to his satisfaction, the commission shall forthwith make a report to the district approving the expenditures made from the proceeds of the certified bonds.

SEC. 28. Section 8112 of the Government Code is amended to read:

Membership of commission

8112. The commission shall consist of five members, the Director of Water Resources and four members appointed by the Governor, three of which shall be appointed from persons residing in the Klamath River Basin which comprises the following counties: (1) Modoc, (2) Siskiyou, (3) Trinity, (4) Del Norte, and (5) Humboldt. The members selected from residents of the Klamath River Basin shall be appointed from qualified persons engaged in the following fields: (a) agriculture, (b) mining, (c) lumbering, (d) fishing, and (e) other industries.

SEC. 29. Section 8118 of the Government Code is amended to read:

Cooperation

8118. The Director of Water Resources shall cooperate with the commission and furnish it with such engineering data as the commission may require in carrying out the provisions of this chapter.

SEC. 30. Section 8132 of the Government Code is amended to read:

Membership of commission

8132. The commission shall consist of seven members, the Director of Water Resources 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.

SEC. 31. Section 8138 of the Government Code is amended to read:

Cooperation

8138. The Director of Water Resources 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.

SEC. 32. Section 14105 is added to the Government Code, to read:

Excepted public works

14105. The provisions of this article, insofar as they vest in the State Architect general charge of the erection of all state buildings and require him to have an inspector at each building during the whole time of its construction, shall not apply to the construction of any public works which is under the jurisdiction of the Department of Water Resources.

SEC. 33. Section 16049.5 is added to the Government Code, to read:

Condemnation proceedings

16049.5. Notwithstanding the provisions of Sections 16048 and 16049, in actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Water Resources:

(a) Service of summons shall be made on the Director of Water Resources and the Attorney General.

(b) The defense shall be conducted by the legal counsel of the department, if authorized by the Attorney General pursuant to Section 127 of the Water Code; otherwise the defense shall be conducted by the Attorney General.

SEC. 34. Section 9065 of the Public Resources Code is amended and renumbered to read:

Soil Conservation Advisory Board

9066. 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 Director of Water Resources, 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.

SEC. 35. Section 1 of Chapter 1693 of the Statutes of 1953 is amended to read:

Section 1. A Colorado River Boundary Commission is hereby created for the purposes hereinafter set out. Said commission shall consist of the Attorney General, Director of Water Resources and the executive officer of the State Lands Commission, and each of whom may from time to time serve by and through any member of his staff designated by him in writing for the purpose. One Member of the Senate appointed by the Senate Committee on Rules and one Member of the Assembly appointed by the Speaker shall meet with and advise with the commission to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature. The Members of the Legislature so appointed are hereby constituted a legislative interim committee on the subject of this act with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature. The members of the commission and of the interim committee shall receive no additional compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the money appropriated for the support of the commission. The Governor of California is empowered and directed to forward a copy of this act to the Governor of the State of Arizona and to request that the governor or legislature of that state appoint representatives of the State of Arizona to confer and act in conjunction with said commission for the purposes hereinafter specified, upon the understanding that each state will pay all expenses and charges of its representatives.

Effect. Stats 1957, Ch 1932

SEC. 36. This act becomes operative only if Assembly Bill No. 1969 is enacted by the Legislature at the 1957 Regular Session.

Except as otherwise specifically provided, the enactment of this act and Assembly Bill No. 1969 shall not affect the functions, powers, and duties transferred to the Department of Water Resources and to the State Water Rights Board by Chapter 52 of the 1956 First Extraordinary Session, and any provision of any law which applied to the Department of Water Resources or the State Water Rights Board with respect to such functions, powers, or duties on the effective date of this act and Assembly Bill No. 1969 shall continue to apply to the department or the board, as the case may be, even though no specific provision to this effect is made in this act or Assembly Bill No. 1969.

CHAPTER 948

An act to add Sections 7026.6 and 7026.7 to the Business and Professions Code, relating to contractors.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7026.6 is added to the Business and Professions Code, to read:

7026.6. Any person who advertises or puts out any sign or card or other device after the effective date of this section which would indicate to the public that he is a contractor, or who causes his name or business namestyle to be included in a classified advertisement or directory after the effective date of this section under a classification which includes the word "contractor," other than his license classification, is subject to the provisions of this chapter regardless of whether his operations as a builder are otherwise exempted.

Person advertising as contractor

SEC. 2. Section 7026.7 is added to said code, to read:

7026.7. It is a misdemeanor for any person, including a person who is exempt by Section 7048 from the provisions of this chapter, to advertise as a contractor unless such person holds a valid license under the provisions of this chapter in the classification so advertised, except that a licensed building or engineering contractor may advertise as a general contractor. "Advertise" as used in this section includes, but not by way of limitation, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper, magazine, or by airwave transmission, or in any directory under a listing of contractor, with or without any limiting qualifications.

Misdemeanor

"Advertise"

CHAPTER 949

An act to add Section 705.3 to the Vehicle Code, relating to logging trucks.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 705.3 is added to the Vehicle Code, to read:

705.3. Weight Limits for Trucks Transporting Logs. Trucks and vehicle combinations transporting loads composed solely of logs shall be deemed in compliance with subdivision (a) of Section 705 if the allowed load in pounds on the group

of axles permitted by that subdivision does not exceed by more than 2,500 pounds the amounts respectively stated in such subdivision, and if such vehicle or combination is in full compliance with subdivision (b) of Section 705 or any provision made applicable to such vehicle or combination in lieu of subdivision (b).

Vehicles or vehicle combinations transporting logs solely and loaded in excess of the provisions of this section shall be deemed in violation of subdivision (a) of Section 705.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

The provisions of this section shall be operative only until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 950

An act to amend Sections 3358, 3552.4, 3656, 3696.5, 3704, 3797, 3803, 3804, 3908, and 4217 of the Revenue and Taxation Code, relating to notices in connection with unpaid taxes on real property and eliminating the right to use the partial payment plan of redemption on tax-deeded property.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3358 of the Revenue and Taxation Code is amended to read:

Notice of deeding property to State

3358. After the first publication of the notice of the deed to the State of tax-sold property and not less than 21 nor more than 35 days before the date of deeding, when tax-sold property is to be deeded, the tax collector shall send by registered mail to the last assessee of the tax-sold property at his last known address either a copy of the publication or a printed notice of deeding the property to the State. To ascertain the address of the last assessee of the tax-sold property an examination shall be made of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll.

SEC. 2. Section 3552.4 of said code is amended to read:

Notice of agreement

3552.4. The notice of agreement shall state:

(a) A description of the property.

(b) The name of the last assessee of all or any portion of the property.

(c) That an agreement for the sale of the property has been made by the board of supervisors of the county with the administering agency named in the agreement.

(d) That a copy of the agreement is on file in the office of the board of supervisors.

(e) There shall also be a statement that if the property is not redeemed before the effective date of the agreement the right of redemption will cease.

SEC. 3. Section 3656 of said code is amended to read:

Lease provisions

3656. Every lease made under this chapter shall provide that the Controller may cancel the lease as of the date of redemption from tax sale or as of the date of a sale terminating the right of redemption, and that the lessee is not thereupon entitled to any damages or reimbursement except as provided in this section. On redemption, sale of the property, or cancellation of a lease, the Controller may refund from the Tax-deeded Land Rental Trust Fund to the lessee the unearned portion of any rental paid in advance.

SEC. 4. Section 3696.5 of said code is amended to read:

Procedure when objection to sale

3696.5. If a taxing agency objects to the sale, the tax collector shall so notify the applicant, and he may withdraw his application before the sale. The entire deposit shall be returned to the applicant if:

(a) The property or any portion thereof is redeemed before the sale.

(b) The applicant fails to secure the property on his bid at the sale.

(c) After the objection of a taxing agency to the sale, the applicant withdraws his application before the sale or the tax collector excludes the property from the sale.

(d) A taxing agency objects to the sale and before the date of sale applies to purchase the property under Chapter 8 of this part.

(e) A taxing agency or revenue district objects to the sale and applies to purchase a portion of the property; provided, however, that if the applicant in writing directs the tax collector to proceed with the sale of the remaining portion the tax collector shall do so and retain the deposit, in which event, if the publication of notice of intended sale has been commenced or the notice mailed, it shall not be necessary to publish or mail a new notice.

(f) The property is excluded from the sale by the tax collector, either before or after the notice is published.

SEC. 5. Section 3704 of said code is amended to read:

Notice of intended sale

3704. The notice of intended sale shall state:

(a) The time and place of the intended sale;

(b) A description of the property to be sold;

(c) The name of the last assessee of the property;

(d) If the right to redeem the property has not already been terminated, there shall also be a statement that if the property is not redeemed before it is sold, the right of redemption will cease.

SEC. 6. Section 3797 of said code is amended to read:

Notice of agreement

3797. The notice of agreement shall state:

(a) A description of the property substantially as described in the agreement.

(b) The name of the last assessee of the property. To ascertain the name of the last assessee of the tax-deeded property an examination shall be made of the assessment of this property on the last equalized roll, or if this property does not appear thereon, the last previous roll on which it was assessed.

(c) That an agreement for the sale of the property or for an option to purchase it, or both, as the case may be, has been made by the board of supervisors of the county with the taxing agency named in the agreement and has been approved by the Controller.

(d) That a copy of the agreement is on file in the office of the board of supervisors.

(e) If the right to redeem the property has not already been terminated, there shall also be a statement that unless the property is redeemed before it is sold, the right of redemption will cease.

SEC. 7. Section 3803 of said code is amended to read:

Redemption

3803. If all or any portion of the property is redeemed within 21 days after the first publication and the mailing of the notice of agreement whichever is later, the agreement is null as to the property redeemed.

SEC. 8. Section 3804 of said code is amended to read:

Deed

3804. If any portion of the property is not so redeemed, the tax collector shall, without charge, execute to the purchaser a deed of the property as to which either:

(a) The agreement provides that no payment is to be made by the purchaser, or

(b) There has been paid the purchase price in compliance with the terms of the agreement.

SEC. 9. Section 3908 of said code is amended to read:

Proceeding for terminating right of redemption

3908. Whenever any taxing agency other than the county or State shall have elected to be the sale or rental agency as in this chapter provided and the interest of the State and county is to be acquired, the following proceeding terminating the right of redemption shall be had:

(1) The county tax collector shall on request of the agency give notice of the intended sale, which notice shall describe the property, state the name of the last assessee of the property, and state that unless sooner redeemed, all right of redemption of said property shall cease 21 days after the first publication or posting of said notice and mailing of a copy of the notice to the last assessee.

(2) The tax collector shall cause said notice to be published once a week for three successive weeks in a newspaper of general circulation published in the county, or, if none, then by

posting copies of the notice in three public places in the county.

(3) Within five days after the first publication of the notice, the tax collector shall mail a copy of it by registered mail to the last assessee of each portion of the property at his last known address. It is not necessary to mail a copy of the notice to any party who files with the tax collector a written acknowledgment of receipt of a copy of the notice or a waiver of the notice.

(4) The cost of giving the notice shall be paid by the taxing agency by which the property is to be or may be purchased.

(5) Affidavits showing that the notice has been given as prescribed shall be filed in the office of the county tax collector.

(6) If any portion of the property is not redeemed within 21 days after the first publication and mailing of the notice, the tax collector shall, without charge, execute to the taxing agency a deed to the unredeemed property.

(7) On the execution of the deed, all right to redeem the property from sale to the State is terminated. The deed conveys to the taxing agency all the State's interest in the property.

(8) If the lands as to which the right of redemption has been thus terminated are not sold into private ownership within the period the taxing agency is exclusive sales and rental agency, the taxing agency shall execute a deed to the State reconveying to the State all the right, title and interest of the State in the property which such taxing agency obtained by the deed of the tax collector pursuant to this chapter. Thereafter, such property shall be held as tax-deeded property by the State. The Controller shall provide uniform blanks on which such reconveyances shall be made.

There shall be the same number of duplicates as is required for deeds to the State for taxes, and the same procedure shall be followed in recording such deeds as is provided by law for the recording of deeds to the State for taxes.

SEC. 10. Section 4217 of said code is amended to read:

Installment payment of delinquent taxes

4217. Any person entitled to redeem real estate from tax sale may elect to pay delinquent taxes in installments under this article at any time prior to the deed to the State, except that if payment of delinquent taxes in installments is started under this article and the amount required to be paid in any fiscal year is not paid as required by this article, payments may not again be started under this article until July 1st of the second succeeding fiscal year after that in which such default occurs.

CHAPTER 951

An act to amend Section 21150 of the Government Code, relating to the temporary employment of persons retired under the State Retirement System.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21150 of the Government Code is amended and renumbered to read:

21152. Upon approval of the State Board of Control, any person who has been retired under this part may, without reinstatement from retirement or loss or interruption of benefits under this part except as herein provided, be employed and paid a per diem and actual and necessary traveling expenses by any state agency in which he previously served while a member of the system, where by reason of actual litigation, or a proceeding before the State Board of Control, or where such agency desires to perpetuate testimony in connection with any anticipated litigation, involving the State or such agency and adverse interests, public or private, the services of such person are or may be necessary in preparing for trial or in testifying as to matters within or based upon his knowledge acquired while employed. No such person shall be so paid at a greater rate of compensation per diem than the rate ordinarily paid other persons by state agencies for similar services; provided, that there shall be deducted from the compensation otherwise payable to any retired employee, employed under the provisions of this section, sums equal to the retirement annuity or benefit allocable to the days or actual employment hereunder.

This section shall not be construed so as to permit the employment of retired persons as consultants with reference to any matter with which they were not directly concerned while employed.

CHAPTER 952

An act to amend Section 419 of the Education Code, relating to the Public School System.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 419 of the Education Code is amended to read:

419. The annual salary of the county superintendent of schools of a county of the nineteenth class is thirteen thousand five hundred dollars ($13,500), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 953

An act to amend Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

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 the district, which said boundaries are described as follows:

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 northeast 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 the 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 (17) to the east line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said east 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 (2); 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 the 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, said corner number three 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 the southerly line of right of way of the Atchison, Topeka and Santa Fe Railway Company; thence following said southerly right of way line to its intersection with the 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 the 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 west 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 easterly along said north line of section six (6) to a point, said point being easterly 2,828 59 feet from the northwest corner of said section six (6); thence continuing easterly along the north line of said section six (6) and the north line of section five (5), township four (4) south, range eight (8) west, San Bernardino Base and Meridian; a distance of 4,461 00 feet to the southwesterly boundary line of the Peralta Yorba Tract as shown on map of Rancho Santiago De Santa Ana on file in the office of the county recorder of Orange County, California; thence south 27° 08′ 00″ east along said southwesterly line of the Peralta Yorba Tract, 7,099.25 feet to a point in the northwesterly line of the allotment to Benjamin and Thomas Flint and Llewellyn Bixby in partition of the Rancho Santiago De Santa Ana; thence south 35° 10′ 00″ west along said last mentioned northwesterly line, 8,185.62 feet to a point, said point being the northeast corner of the land described in deed to Santiago Farmers Association recorded in book 98, page 544 of deeds, records of Los Angeles County, California; thence westerly along the northerly boundary line of said land 5,750 76 feet to a point in the westerly line of section eighteen (18), township four (4) south, range eight (8) west, San Bernardino Base and Meridian, said point also being the northwest corner of said land described in book 98, page 544 of deeds, records of Los Angeles County, California; thence southerly along the westerly line of said section eighteen (18), 1,865.34 feet to a point, said point being northerly 571.90 feet from the southwest corner of said section eighteen (18);

thence north 48° 05′ 20″ west 754.60 feet; thence north 56° 27′ 50″ west, 414.94 feet to a point distant south 52° 44′ 00″ west, 230.49 feet from the easterly corner of the parcel indicated "Reservoir No. 2" on map of record of surveys filed in book 8, page 3 of record of surveys in the office of the county recorder of Orange County, California; thence north 52° 44′ 00″ east, 230.49 feet to the most easterly corner of said "Reservoir No. 2"; thence north 42° 18′ 00″ west, 155.61 feet; thence south 50° 25′ 00″ west, 267.27 feet; thence north 56° 27′ 50″ west, 788.89 feet; thence north 51° 38′ 50″ west, 768.86 feet; thence north 74° 58′ 40″ west, 630.33 feet; thence south 49° 25′ 20″ west, 608.63 feet to an angle point in the boundary line of the land described in the deed to Graham Brothers, Incorporated, recorded January 29th, 1938 in book 923, page 248 of official records of Orange County, California, said angle point being at the northeasterly end of a course described in said deed as "south 40° 51′ 30″ west, 43.66 feet"; thence from said angle point south 40° 51′ 30″ west, 43.66 feet to a point, said point being the most northerly corner of the Carpenter Irrigation District as described in book 74, page 223 of official records of Orange County, California, said point also being north 86° 03′ 10″ east more or less and 719.62 feet more or less from station 27 as said station is shown on a map of record of surveys filed in book 3, page 54 of record of surveys in the office of the county recorder 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 northerly 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 (42); 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 south-

westerly 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 southeasterly 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 miles 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-eighths 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 northeasterly 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 Seven (7) 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.

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 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.

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.

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.

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.

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.

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 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 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 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 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 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.

CHAPTER 954

An act to amend Sections 27336, 27361, and 27380 of the Government Code, Section 3020 of the Civil Code, and Section 8557 of the Health and Safety Code, and to repeal Sections 27368, 27373, and 27377 of the Government Code relating to recordation of documents, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 27336 of the Government Code is amended to read:

County recorders

27336. County recorders shall accept form books or blanks from any incorporated water users' association organized to secure the benefits of an act of Congress approved June 17, 1902, known as the "Reclamation Act," to be used for the purpose of recording the following:

(a) Agreements with the United States, or with such water users' association in connection with land affected by the projects provided for by the act.

(b) Subscription agreements or transfers of the capital stock of such water users' associations.

(c) Other documents required to be recorded by such associations.

SEC. 2. Section 27361 of said code is amended to read:

Fees

27361. The fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded is as follows: one dollar ($1) fee for filing every instrument, paper or notice for record and making the necessary entries thereon; plus one dollar ($1) for recording the first page and eighty cents ($0.80) for each additional page or fraction of a page. If the printing on printed forms is spaced more than nine lines per vertical inch or more than 22 characters and spaces per inch measured horizontally for not less than three inches in one sentence the recorder shall charge one dollar ($1) additional for each page on which such printing appears excepting, however, that such additional charge shall not apply to printed words which are directive or explanatory in nature for completion of the form or on vital statistics forms.

SEC. 3. Section 27380 of said code is amended to read:

Same

27380. The fee for filing, indexing, and keeping each paper not required by law to be recorded is two dollars ($2).

SEC. 4. Section 3020 of the Civil Code is amended to read:

Duties of filing officer

3020. It shall be the duty of the filing officer to mark each notice filed with a file number, and with the date and hour of filing, to file the same, and to index each notice in a separate index entitled Index of Notices of Assignment of Accounts Receivable under the name of the assignor and of the assignee.

Upon the filing of any such notice, if requested so to do by the person filing such notice, it shall be the duty of the filing officer to deliver to or mail to such person a certificate under seal, certifying that such notice has been filed, giving the file number and the date and hour of filing and stating therein whether or not there is on file in his office on the date and hour of such filing any other presently effective uncanceled notice of assignment by the assignor named in the notice so filed and setting forth therein the names and addresses of the assignee or assignees named in any such presently effective uncanceled notice or notices then on file. The filing officer may issue a certificate to any person showing whether or not there is on file any presently effective uncanceled notice of assignment by any named assignor and if so setting forth therein the names and addresses of the assignee or assignees named therein.

SEC. 5. Section 8557 of the Health and Safety Code is amended to read:

Recording of declaration of dedication

8557. The county recorder of the county in which a declaration of dedication is filed shall record it in the official records of his office and index it in the general index.

SEC. 6. Sections 27368, 27373, and 27377 of the Government Code are repealed.

Urgency

SEC 7. 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 existing law provides that the fees charged by county recorders shall be doubled in the case of printed forms printed in less than eight-point type. Certain vital statistic certificates prescribed by the Department of Public Health contain printed matter in smaller type and an inequitable and unintended expense is imposed upon persons who are required to record such certificates. Further, other recording fees affected by this act are inadequate, and the counties of this State must be relieved of the excessive expense of recording documents at such rates without delay.

CHAPTER 955

An act to amend Section 316.1 of the Education Code, relating to the powers of county boards of education.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 316.1 of the Education Code is amended to read:

316.1. County boards of education may:

(a) Adopt and use an official seal in authentication of their acts.

(b) Have such printing done as may be necessary.

CHAPTER 956

An act to amend Section 54903.1 of the Government Code, relating to boundaries of school districts.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 54903.1 of the Government Code is amended to read:

54903.1. When a statement of the creation or change of boundaries of a school district and a map or plat thereof is required to be filed with the State Board of Equalization, the authority required to file the statement and map or plat shall, at the same time, file a copy of the statement and map or plat with the Superintendent of Public Instruction and the county superintendent of schools of the county in which the school district is located.

CHAPTER 957

An act to amend Sections 2802.1 and 2561.1 of the Education Code, relating to the formation of school districts.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2802.1 of the Education Code is amended to read:

2802.1. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. Affidavits re signatures

SEC. 2. Section 2561.1 of said code is amended to read:

2561.1. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. Same

CHAPTER 958

An act to amend Section 35305 of the Government Code, relating to the annexation of territory to cities.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 35305 of the Government Code is amended to read:

35305. Upon receiving a written petition requesting annexation, containing a description of the territory sought to be included in the city, and signed by the owners of not less than one-fourth of the land in the territory by area, and by assessed value as shown on the last equalized assessment roll of the county or counties in which the territory is situated, the legislative body shall, without delay, pass a resolution giving notice of the proposed annexation.

The legislative body shall, without delay, cause a copy of the resolution to be transmitted to the governing board of each school district which, in part or in whole, is included in the territory sought to be included in the city, and which has made written request therefor.

CHAPTER 959

An act to repeal Sections 11254, 13190, 13191, 13192, 13193, and 13197 of, to amend the title of Article 5 (commencing at Section 13190) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and to amend Section 13196 of the Government Code, relating to Napa State Farm.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 11254, 13190, 13191, 13192, 13193, and 13197 of the Government Code are repealed.

SEC. 2. The heading of Article 5, immediately preceding Section 13190 of said code, is amended to read:

Article 5. Rector Dam Water

SEC. 3. Section 13196 of the Government Code is amended to read:

Veterans' Home Right to water in Rector Dam

13196. The Veterans' Home of California, for all purposes including irrigation and domestic, shall have the first and prior right to all available water stored in Rector Dam on state property in Napa County. Said right shall be prior to any allocation of said waters for the use of any other state

institutions, including the State Game Farm and the Napa State Hospital. In the event that there is more water available than necessary to meet the requirements of the Veterans' Home of California, the department may take and conduct from the dam such quantity of surplus water as may be determined by the Department of Water Resources to be necessary for the use of the Napa State Hospital and other state establishments located in the County of Napa, including the State Game Farm, and may acquire rights of way by purchase, lease, or condemnation for that purpose.

CHAPTER 960

An act to add Section 852 to, and repeal Sections 860, 864, 865, 880, and 903 of, the Fish and Game Code, and add Section 8670 to, and repeal Sections 8620, 8621, 8622, 8690, and 8723 of, the Fish and Game Code as proposed by Assembly Bill No. 616, relating to the use of nets for fishing.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 852 is added to the Fish and Game Code, to read:

Nets

852. It is unlawful for any person to use, operate, or assist in using or operating any net to take salmon or shad for commercial purposes in any of the tidal waters lying upstream from Carquinez Bridge, or to possess on any boat in these waters any net the use of which is illegal in such waters.

Repeals

SEC. 2. Sections 860, 864, 865, 880, and 903 of said code are repealed.

NOTE: Sections 8670, 8620, 8621, 8622, 8690, and 8723 of the Fish and Game Code affected by this chapter appear in their proper places in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats. 1957, Ch. 456

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 852, 860, 864, 865, 880, and 903 of the Fish and Game Code adopted in 1933 are repealed.

Operative date

SEC. 6. The provisions of this act shall become operative September 27, 1957.

CHAPTER 961

An act to add Section 37157 to the Water Code, relating to statute of limitations on actions.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 37157 is added to the Water Code, to read:

37157. An action, proceeding, defense, answer, counterclaim, or cross-complaint, based on the alleged invalidity or irregularity of any deed executed by the board pursuant to Section 37154 or based on the alleged ineffectiveness of the deed to convey the title to the land described in it as provided in Section 37156 may be commenced or interposed only within six months after the recordation of the deed, or within six months after June 1, 1958, whichever is later. This section shall not apply to any such deed issued by the board within three years from the date of sale as provided in this chapter.

CHAPTER 962

An act to add Section 37051.5 to the Water Code, relating to statute of limitations on actions.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 37051.5 is added to the Water Code, to read:

37051.5. An action, proceeding, defense, answer, counterclaim, or cross-complaint based on the alleged invalidity or irregularity of any agreement of sale or deed executed by a district in connection with land sold by it as provided in Section 37051 or based upon the alleged ineffectiveness of the instrument to convey or affect the title to the land described in it may be commenced or interposed only within six months after the recordation of the agreement of sale or deed or within six months after the expiration of the time within which redemption may be effected as provided in Section 37150, or within six months after June 1, 1958, whichever is later.

CHAPTER 963

An act to add Sections 426, 427, 428, and 429 to the Government Code, relating to state flags and emblems.

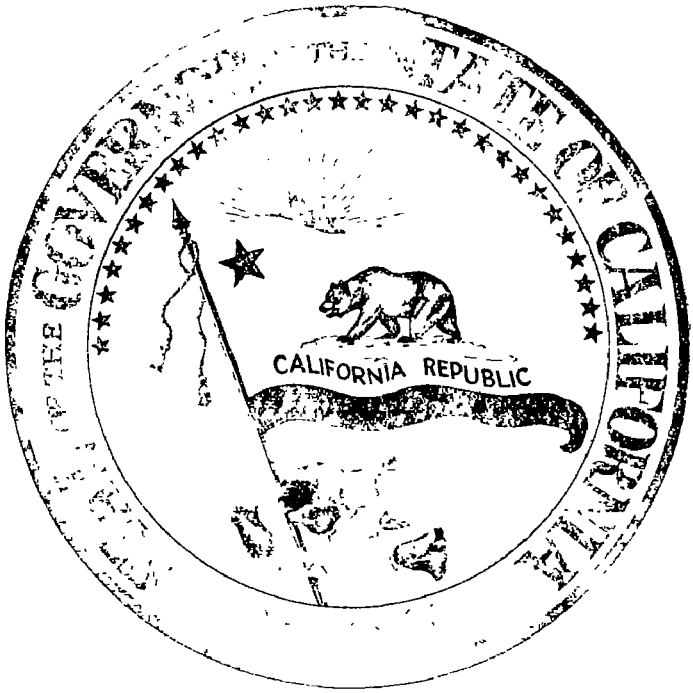
[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 426 is added to the Government Code, to read:

426. The general design and the details of the Seal of the Governor of the State of California, excluding colors, shall correspond substantially with the following representation thereof: Governor's Seal: Design



The roman numerals shall designate the sequence in office of the Governor.

SEC. 2. Section 427 is added to the Government Code, to read:

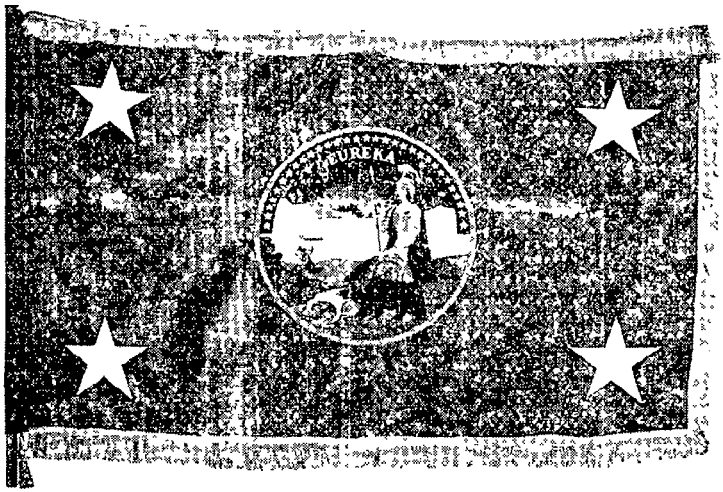
427. When the seal of the Governor is prepared in colors, the Bear Flag shall be shown in colors as set forth in Section 420; the blue field back of the flag, the outside border of the lettering "Seal of the Governor of the State of California", and the roman numerals shall be in Yale Blue, Cable No. 70086; the 31 stars, and the background upon which the let- Colors

tering and roman numerals appear, shall be of United States Army Color Card designation Golden Yellow, No. 65001. The rising sun shall be of Indian Orange, Cable No. 70072; the flowers of the poppy shall be shades of Poppy Orange, No. 70069, Princeton Orange, No. 70070, and Golden Poppy, No. 70071. The stem and pods of the poppy shall be in shades of Jade Green, No. 70166 and Irish Green, No. 70168. Colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

SEC. 3. Section 428 is added to the Government Code, to read:

Governor's Flag: Design

428. The general design and details of the flag of the Governor of the State of California, excluding colors, shall correspond substantially with the following representation thereof:



SEC. 4. Section 429 is added to the Government Code, to read:

Colors

429. When the flag of the Governor is prepared in colors, the following colors shall be used:

The field of the flag shall be Yale Blue, Cable No. 70086; the four stars in each of the corners of the flag shall be white; the golden fringe, circle of the center seal, and the rising sun within the seal shall be United States Army Color Card designation Golden Yellow, No. 65001; the field of the seal shall be Independence Blue, Cable No. 70076; the 31 stars in the seal and the word "Eureka" shall be white; the rising sun shall be Indian Orange, Cable No. 70072; the mountains shall be shades of Orchid, Cable No. 70133, and Amethyst, Cable No. 70134; the water shall be Grotto Blue, Cable No. 70022; the ship shall be Independence Blue, Cable No. 70076, and white; the terrain shall be shades of Oakwood, Cable No. 70093, and Cork, Cable No. 70092; the miner's shirt and pick shall be Plum, Cable No. 70135; the face and arms of Goddess Minerva and of the miner

shall be Ecru, Cable No. 70134; the helmet and breastplate of Minerva shall be Robins Egg, Cable No. 70204; the dress of Minerva shall be white; the robe of Minerva and the pants of the miner shall be Cardinal, Cable No. 70081; the shield of Minerva and the sheaf of wheat shall be United States Army Color Card designation Golden Yellow No. 65001, and Oakwood, Cable No. 70093; the spear of Minerva shall be Oakwood, Cable No. 70094 and white; the cornucopia shall be white and Amethyst, Cable No. 70134; the grapes shall be Amethyst, Cable No. 70134; the fruit shall be Cardinal, Cable No. 70081, and Irish Green, Cable No. 70168; the grass shall be Irish Green, Cable No. 70168; the bear shall be in colors as set forth in Section 420.

All white shall be Cable No. 70001.

All Cable number colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

CHAPTER 964

An act to repeal Sections 905, 906, 907, 908, 1005, 1125, 1127, 1151, 1153, and 1175 of the Welfare and Institutions Code, relating to the powers of the Youth Authority and its offices and employees in regard to the inmates of the institutions and other persons committed to the authority.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Sections 905, 906, 907, 908, 1005, 1125, 1127, 1151, 1153, and 1175 of the Welfare and Institutions Code are repealed.

CHAPTER 965

An act to amend Sections 11272 and 11274 of the Government Code, relating to general administrative costs.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.] In effect September 11 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11272 of the Government Code is amended to read:

11272. In determining or redetermining such fair share, the Board of Control: Determination of fair share

(a) May consider such factors of cost distribution and cost estimation as it deems necessary.

(b) May consider the approximate amount of interest earned on special funds. Such amount need not be computed but may be estimated.

(c) Shall exclude amounts allocated and paid to cities for expenditure by them for highway purposes.

(d) Shall exclude amounts expended and received under Section 824 of the Streets and Highways Code.

SEC. 2. Section 11274 of said code is amended to read:

Certification to Controller

11274. The Board of Control shall certify annually to the Controller the amount determined to be the fair share of administrative costs due and payable from each state agency and shall certify forthwith to the Controller any amount redetermined to be the fair share of administrative costs due and payable from any state agency. The Controller shall forthwith transmit to each state agency, and stating that, unless a written request to defer payment thereof is filed by the state agency with the Controller within 30 days after the mailing of the statement by the Controller to the state agency, the Controller will direct the Treasurer to transfer the amount of such administrative costs from the special fund or funds chargeable therewith to the General Fund. The Controller shall specify on such statement the special fund appropriations to be charged at the time transfers are made covering such administrative costs.

CHAPTER 966

An act to amend Section 4216 of the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4216 of the Business and Professions Code is amended to read:

4216. "Physician," "dentist," "chiropodist," "veterinarian" and "pharmacist" mean persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes any person holding a valid and unrevoked physician's and surgeon's certificate or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of this code, when acting within the scope of said section.

CHAPTER 967

An act to amend Section 1262 of the Military and Veterans Code, relating to property acquired for veterans' purposes.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1262 of the Military and Veterans Code is amended to read:

1262. Any county may provide, maintain or provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of one or more veterans' associations. For these purposes the board of supervisors of any county may: Memorial halls, etc.

(a) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary for such buildings, memorial parks, or recreation centers, and improve, preserve, manage, and control the same. Powers of board of supervisors

(b) Purchase, construct, lease, furnish, or repair such buildings, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(c) Clear, grade, plant, irrigate, fence, and improve such memorial parks, or recreation centers, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(d) Furnish sites for such buildings to be built by or for such organizations, and furnish sites for the erection thereon of such buildings, the funds for which are supplied by county authorities or from other sources. Any part or portion of any public lot, block, or park may be used for such purpose.

(e) In addition to all other taxes, levy in any year a special tax not to exceed two and one-half mills ($0.0025) on each dollar of assessed valuation on all the taxable property in the county, if all the taxable property in the county has an aggregate value of less than fifty million dollars ($50,000,000), or not to exceed one and one-half mills ($0.0015) on each dollar of assessed valuation on all the taxable property in the county if all the taxable property in the county has an aggregate value equal to or more than fifty million dollars ($50,000,000), and the fund so created to be expended for the purposes hereof.

(f) Establish a fund for the purposes hereof, and transfer from the General Fund to such fund such moneys as the board deems necessary.

(g) Incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

(h) Join with any incorporated city in the county in the accomplishment of the above purposes and to that end hold

jointly with such city all property acquired, and expend money in conjunction with such city in accomplishing the above purposes. Title to any property jointly so acquired by a county and a city may at any time be conveyed by either of the joint owners to the other without consideration other than to carry out the purposes of this section.

(1) Join with memorial districts in the purchase, acquisition or construction of memorial halls, assembly halls, buildings or meeting places, or in the accomplishment of any other purpose for which a memorial district has been organized, using the funds authorized to be raised by this section. Title to any property so purchased, acquired or constructed may be taken in the name of the memorial district, or jointly with the county, or the county may convey any property so acquired, purchased or constructed to the memorial district without consideration to the county. The board of supervisors may transfer to a memorial district funds raised pursuant to this section to be expended by the district in furtherance of the purposes of the district under terms and conditions consistent with the purposes for which the funds were raised.

CHAPTER 968

An act to amend Section 13104 of the Government Code, relating to real property belonging to the State.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13104 of the Government Code is amended to read:

13104. With the consent of the state agency concerned, the director may execute grants to real property belonging to the State in the name and upon behalf of the State to the United States of America in exchange for lands of the latter or for such other considerations, as the director deems are in the best interests of the State.

Real property acquired by the State by exchange pursuant to this section is subject to the laws governing real property of the class to which it belongs.

SEC. 2. This act shall become effective on July 1, 1958.

CHAPTER 969

An act to add Section 73445 to the Government Code, relating to the Bakersfield Municipal Court.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 73445 is added to the Government Code, to read:

73445. By ordinance the board of supervisors may consolidate the duties of marshal and sheriff by providing that the sheriff shall be ex officio marshal of the municipal court and that the designated deputies of the sheriff shall act as ex officio deputy marshals of such court. Any such ordinance shall become effective only if submitted to the voters of Bakersfield Municipal District and adopted by them under the procedure provided in Section 1650 of the Elections Code.

CHAPTER 970

An act to amend Sections 29 and 33 of, and to add Sections 29.1 and 35.1 to, the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 29 of the Orange County Water District Act (Ch. 924 of the Stats. of 1933) is amended to read:

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, until such time as said water producing facility has been permanently abandoned, 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. If no water has been produced from said water producing facility during the preceding six months period, said statement shall be filed as provided for herein setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The 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. At such time as any said water producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to said district.

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.

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 his replenishment assessment, in lieu of filing a sworn statement as to the production of ground water.

SEC. 2. Section 33 of said act is amended to read:

Sec. 33. If said district has probable cause to believe that the production of water from any water producing facility is in excess of that disclosed by the sworn statements covering such water producing facility, or if no statements are filed covering any water producing facility, said district may cause an investigation and report to be made concerning the production of water from each such water producing facility. Said district may fix the amount of water production from any such water producing facility at an amount not to exceed the maximum production capacity of such water producing facility; provided, however, where a water measuring device

is permanently attached thereto, the record of production as disclosed by such water measuring device shall be presumed to be accurate and the burden is upon said district to establish to the contrary.

After such determination has been made by said district, a written notice thereof shall be mailed to the person operating such water producing facility at his address as shown by the district's records. Any such determination made by said district shall be conclusive on all persons having an interest in such water producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, said board of directors thereafter shall hold a hearing at which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have 20 days from the date of mailing to pay the replenishment assessment, interest or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the Government of the United States, in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of said district. The service is complete at the time of deposit.

SEC. 3. Section 29.1 is added to said act, to read:

Sec. 29.1. Any person who, with intent to evade any provision or requirement of this act, files with the district any false or fraudulent water production statement, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

SEC. 4. Section 35.1 is added to said act, to read:

Sec. 35.1. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water measuring device affixed to any water producing facility as required by this act, so as to cause said water measuring device to improperly or inaccurately measure and record said water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars ($500) or imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

CHAPTER 971

An act to amend Section 453 of the Education Code, relating to the county superintendent of schools for a county of the fifty-third class.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 453 of the Education Code is amended to read:

453. The annual salary of the county superintendent of schools of a county of the fifty-third class is eight thousand dollars ($8,000), and he shall possess a valid elementary or secondary administration credential issued by the State Board of Education.

CHAPTER 972

An act to add Section 92.5 to the Streets and Highways Code, relating to state highways.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 92.5 is added to the Streets and Highways Code, to read:

92.5. The department shall install in all tunnels and underpasses on state highways within metropolitan areas where the tunnel or underpass is of sufficient length to impede radio reception, wires or other devices which will sustain reception of broadcasts by radios in vehicles traveling through the tunnels and underpasses.

The Legislature declares that the installation of such devices in state highway tunnels and underpasses is an improvement of highways within the meaning of Section 1 of Article XXVI of the Constitution since it will assist law enforcement officers in their patrol duties by enabling them to receive essential radio calls and also will increase the enjoyment of the people in the use of the state highways.

CHAPTER 973

An act to add Section 1733.5 to the Insurance Code, relating to insurance.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1733.5 is added to the Insurance Code, to read:

1733.5. The filing of a Statement of Issues pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code specifying grounds for denial of an application for a license under Article 1 or Article 2 of this chapter shall automatically suspend any certificate of convenience issued with respect to any such license until the decision and order in the matter of such statement of issues becomes final, and if the order in such matter is for the denial of the application for any such license, the certificate of convenience with respect thereto shall automatically terminate on the effective date of such denial.

CHAPTER 974

An act to amend Section 751a of the Code of Civil Procedure, relating to adjudication of identity of grantor.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 751a of the Code of Civil Procedure is amended to read:

751a. Whenever any person who by any conveyance, judgment or decree has received or taken, or who hereafter receives or takes, the title to, or any interest in, or lien upon real property in a certain name and thereafter has conveyed, or conveys, or has reconveyed, or reconveys, the same or any part thereof, or has satisfied, or satisfies, such lien in a name other than, or different from, the name under which title was received, or any interest or lien thereon was taken or where the estate of a decedent has been probated under a name different from the name in which real property of such decedent stands of record, and the decree of distribution has been entered in such estate, or when any right, title or interest of any person in real property has been divested by a judgment or decree, or otherwise, under a name other than, or different from, the name under which title was received, the identity of such person, or persons or the identity of such decedent and the person in whose name the property stands of record, may be adjudicated and deter-

Petition re adjudication of grantor's identity

mined on petition of any subsequent owner or any distributee of the estate of such decedent or the successor in interest, of said property, or any part thereof, or of any interest therein. As many such persons as appear of record in the chain of title to the land described in the petition may be joined in one petition or proceeding.

Filing

The petition must be filed in the superior court of the county in which the land or some part thereof is situated and shall be verified as provided in this code for verification of a complaint.

Contents

The petition may be substantially entitled "In the matter of the determination of the identity of _____" (naming all the persons sought to be identified), and may set forth:

1. A statement of petitioner's interest in the property as owner, part owner or distributee or successor in interest or otherwise.

2. A particular description of the petitioner's property.

3. The name or names of the person or persons sought to be identified, setting out the name and a reference to the record of the conveyance, judgment or decree under which title was received, and the name and a reference to the record of the conveyance whereby the title was conveyed, or a reference to the record of the judgment or decree or conveyance whereby the title was divested, or where an estate has been distributed, setting out the name under which the estate of a decedent has been probated and the name in which real property of such decedent stands of record, and that such names were and are the names of the same person, and that such conveyances or such decrees of distribution affect the title to petitioner's property.

Notice of hearing

4. A prayer that the identity of such persons be established.

The clerk must thereupon set the petition for hearing by the court and the petitioner must give notice thereof by causing notices of the time and place of hearing to be posted at the courthouse of the county where the proceeding is pending and in a conspicuous place on the property described, at least 10 days before the hearing. The special notice shall be substantially in the following form:

(Title of court and cause)

Notice is hereby given that _____ has filed a petition herein claiming to be the owner (or distributee) of the following described lands _____ (description) and praying that the identity of the following-named persons, in former conveyances (or judgments or decrees) to said lands or in decrees of distribution of said lands in probate be determined, to wit: _____ (names as J. Doe and John Doe); and that the time and place of hearing said petition has been set for _____ the _____ day of _____, 19___, at the hour of _____, ___m. of said day at the courtroom of said court in the city of _____, county of _____, State of California.

_____

Clerk

At any time before the date fixed for such hearing, any person interested in said property may answer said petition and deny any of the matters contained therein. At the time fixed for the hearing, or such time thereafter, as may be fixed by the court, the court must hear the proofs offered by the petitioner, and by any persons answering the same, and must make and enter a decree determining the identity of the person, or persons, set out in the petition in accordance with the proofs. Answer

An appeal may be taken by any party aggrieved to the Supreme Court of California as set forth in this code. Appeal

After the said decree has become final it shall constitute prima facie evidence of the matters thereby determined and it shall be presumed that the identity of the person or persons described in the decree is such as is stated in the decree. A certified copy of said decree shall be recorded in the office of the county recorder of every county in which any part of the land is situated.

CHAPTER 975

An act to add Section 1203.03 to, and to amend Section 1191 of, the Penal Code, relating to the placement of persons in diagnostic facilities.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1203.03 is added to the Penal Code, to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period. Defendant placed in diagnostic facility

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services and if there is in effect a contract made, pursuant to subdivision (f) of this section, with the county of the referring court. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director

has notified the referring court of the place to which said person is to be transported and the time at which he can be received

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

Legislative intent

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

Contracts for services

(f) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county of this State, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to provide diagnostic and treatment services and temporary detention during the period of study, to the county for selected cases of persons eligible for commitment to the Department of Corrections. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of Finance. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amounts due under any contract authorized by this section and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller the amounts found to be due.

SEC. 2. Section 1191 of said code is amended to read:

Time for pronouncing judgment

1191. In the superior court, after a plea, finding or verdict of guilty, or after a finding or verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment, which must be within 21 days after the verdict, finding or plea of guilty, during which time the court shall refer the case to the probation officer for a report if eligible to probation and pursuant to Section 1203 of this code; provided, however, that the court may extend the time not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment, and may further extend the time until the probation officer's report is received and until any proceedings for granting or denying probation have been disposed of. If in the opinion of the court there is a reasonable ground of believing a defendant insane, the court may extend the time for pronouncing sentence until the question of insanity has been heard and determined, as provided in this code. If the court orders defendant placed in a diagnostic facility pursuant to Section 1203.03, the time otherwise allowed by this section for pronouncing judgment is extended by a period equal to (1) the number of days which elapse between the date of

such order and the date on which notice is received from the Director of Corrections advising whether or not the Department of Corrections will receive defendant in such facility, and (2) if the director notifies the court that it will receive the defendant, the time which elapses until his return to the court from the facility.

CHAPTER 976

An act to amend Section 373.5 of the Code of Civil Procedure, relating to powers of a guardian ad litem.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 373.5 of the Code of Civil Procedure is amended to read:

373.5. If under the terms of a written instrument, or otherwise, a person or persons of a designated class who are not ascertained or who are not in being, may be or may become legally or equitably interested in any property, real or personal, the court in which any action, petition or proceeding of any kind relative to or affecting the property is pending, may, upon the representation of any party thereto, or of any person interested, appoint a suitable person to appear and act therein as guardian ad litem of the person or persons not ascertained or not in being; and the judgment, order or decree in the proceedings, made after the appointment, shall be conclusive upon all persons for whom the guardian ad litem was appointed.

The guardian ad litem shall have power, with the approval of the court in which the action, petition or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against the persons for whom the guardian ad litem was appointed, and to satisfy any judgment or order in favor of the persons, or release, or discharge any claim of the persons pursuant to the compromise. The court shall have the same power with respect to the money or other property to be paid or delivered under such order or judgment as is provided in Section 372 of this code.

The reasonable expenses of the guardian ad litem, including compensation and counsel fees, shall be determined by the court and paid as it may order, either out of the property or by plaintiff or petitioner. If the expenses are to be paid by the plaintiff or petitioner, execution therefor may issue in the name of the guardian ad litem.

CHAPTER 977

An act to repeal Sections 13643 and 13641 of the Government Code, relating to the State Printing Fund.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13643 of the Government Code is repealed.

SEC. 2. Section 13641 of the Government Code is repealed.

CHAPTER 978

An act to add Section 24403.5 to the Education Code, relating to community recreation and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 24403.5 is added to the Education Code, to read:

Parent cooperative nursery groups

24403.5. A public authority may permit the use of a recreation center or facility by parent cooperative nursery groups on a nonexclusive and nondiscriminatory basis when such use does not unreasonably impair or interfere with the right of the public to use the center or facility. As used in this section, a "parent cooperative nursery group" means a group of parents who (1) are licensed by a state agency; (2) on a nonprofit basis; (3) to provide recreation for their preschool age children; (4) on a nondiscriminatory basis.

Urgency

SEC. 2. 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:

The proper and adequate functioning of over 23 parent cooperative nursery groups presently operating on public parks of this State is made uncertain by a decision of District Court of Appeal on December 19, 1956 in the case of San Vicente Nursery School v. County of Los Angeles, 2d Civil No. 21619, 147 A. C. A. 95, holding that statutory authority is needed to legalize such operations.

CHAPTER 979

An act to add Section 1080 to Article 16 of Division 1, Part 2, Chapter 1, of Insurance Code providing for merger and consolidation and for reinsurance and transfer of the policies and assets of mutual insurers authorized to issue nonassessable policies on a reserve basis.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. A new section, numbered 1080, is hereby added to the Insurance Code as a part of Article 16, of Division 1, Part 2, Chapter 1, to read:

1080. Any domestic incorporated mutual life insurer or disability insurer or life and disability insurer issuing nonassessable policies on a reserve basis may merge, consolidate or otherwise unite with or become a part of, or may reinsure all of its policies with, and, upon the assumption of all of its liabilities, may transfer its assets to, any incorporated mutual insurer admitted to transact the business of life, disability or life and disability insurance in this State. The plan and agreement by which any such transaction is to be effected shall be submitted to the commissioner who shall examine the same and may require such provisions to be inserted in the agreement and such actions to be taken in connection with the transaction as he may deem necessary in order that the transaction shall be mutually fair and equitable between the respective members and policyholders of the companies parties to the transaction.

When any such plan and agreement shall have been approved by the commissioner the same shall be approved in the case of each domestic insurer party to the merger or consolidation or the reinsuring of its policies and transferring of its assets by two-thirds of the votes cast by the members thereof represented in person or by proxy at a meeting called to consider the same. Notice of said meeting and its purpose shall be given by mail at least 30 days before the day fixed for the meeting to members whose insurance shall have been in force for at least one year prior to such meeting, at their addresses appearing on the books maintained at the home office of the company. With respect to those members whose addresses do not appear on such books of the company notice shall be deemed to have been given if published at least once in some newspaper of general circulation in the county in which the principal office of the company is located. At such meeting the presence in person or by proxy of 5 percent of such members of such insurer shall constitute a quorum. In the absence of a quorum the members present at the meeting in person or by proxy may adjourn the meeting to a later date. No further

notice need be given of the date to which the meeting is adjourned. If the vote is in the affirmative a certified copy of all proceedings relating to the proposed transaction shall be filed with the commissioner. If one of the insurance companies is a foreign company there shall be filed with the commissioner evidence of such approval, consent or other authorization as may be required by the laws of the state of incorporation of said foreign insurance company evidencing the power of the foreign insurance company to assume and carry out the agreement by which such transaction is effected. If the commissioner finds that the proceedings have been in accordance with the law and his requirements he shall approve the agreement which shall thereupon become effective.

CHAPTER 980

An act to amend Section 32362 of the Revenue and Taxation Code, relating to recordation of judgment.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 32362 of the Revenue and Taxation Code is amended to read:

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 and shall continue for five years from the time of the recording of the abstract unless sooner released or otherwise discharged. The lien may, within five years from the date of the recording of the abstract or within five years from the date of the last extension of the lien, be extended by recording a new abstract in the office of the county recorder of any county and from the time of such recording, the lien shall be extended to the real property in such county for five years unless sooner released or otherwise discharged. 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.

CHAPTER 981

An act to amend Sections 1160, 1162, 1169, 1170, 1171, 1172, 1173, 1175, 1178, 1179, and 1194 of the Streets and Highways Code, relating to county road divisions.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1160 of the Streets and Highways Code is amended to read:

Definitions

1160. As used in this article:

(a) "Division" means permanent road division.

(b) "Last equalized assessment roll" means the last assessment roll made up by the county assessor, including the changes ordered by the board of supervisors sitting as a board of equalization.

(c) "Highway" means any county road or highway or any public roadway right of way or any private easement or roadway not accepted or acceptable into the county highway system but upon which a permanent public easement is offered or any privately owned road which meets the requirements of and in connection with which the necessary findings of Section 969.5 of this code can be made.

SEC. 2. Section 1162 of said code is amended to read:

Formation petition

1162. A petition for the formation of a division may be presented to the board of supervisors of the county wherein the division is proposed to be formed. The petition shall contain:

(a) The name of the proposed division.

(b) The signatures of at least a majority of the landowners within the proposed division or the signatures of owners of more than 50 percent of the assessed valuation within the district.

(c) The boundaries of the proposed division.

(d) The number of acres therein and the assessed valuation of such acreage according to the last equalized assessment roll of the county.

(e) The value of the improvements on real estate and of the personal property within the proposed division according to the last equalized assessment roll.

(f) The number of inhabitants therein, as nearly as can be ascertained.

(g) A particular description of the location of any highway which it is desired to construct, improve or permanently maintain or maintain for a specified number of years, in the event of which such limited period of maintenance the period thereof shall be shown and a statement showing the necessity for such work.

SEC. 3. Section 1169 of said code is amended to read:

Petition for plans

1169. At, or at any time after, the time of forming a division, any 10 or more freeholders thereof may petition the board to have plans prepared for the construction, improvement or maintenance of all or any part of any highway lying within the division, whether or not such highway is mentioned in the petition for the formation of the division.

SEC. 4. Section 1170 of said code is amended to read:

Same· Contents

1170. Such petition for construction or improvement shall state if appropriate:

(a) The recommendations of the petitioners as to the materials to be used and the manner of constructing or improving such highway.

(b) An estimate of the probable expense of such work.

(c) A request that the board appropriate for such work a specified sum of money from the general road fund of the county.

(d) A request that the board appropriate for such work a specified sum of money from the road district funds of the road districts in which any part of the division is located.

(e) A request that, in order to raise the balance necessary for such work, a special tax be levied or bonds of the division be issued.

(f) A request that annually for the period for which maintenance is proposed the board levy a special tax upon the division in amount sufficient for maintenance and annually appropriate such amount for maintenance purposes.

SEC. 5. Section 1171 of said code is amended to read:

Duties of board

1171. Upon receiving such petition the board shall cause to be prepared estimates, plans, and specifications for the work mentioned in the petition exclusive of maintenance, and for any other highway or work which the board considers a necessary part of the highway mentioned in the petition.

SEC. 6. Section 1172 of said code is amended to read:

Financing

1172. When it has adopted plans and specifications for such work exclusive of maintenance, the board may set apart therefor from the general road fund of the county, and from the funds of any district of which the division is a part, such sums as the board considers equitable.

The board shall not set apart from the funds of any such district less than 75 percent of the sum which bears the same ratio to the whole fund of the particular district as the assessed valuation of that part of the division lying in the district bears to the whole assessed valuation of the district. The board may set apart more than this percentage. The board shall cause these sums to be set apart in a fund known as the "permanent road fund of _____ division," specifying the division by name.

SEC. 7. Section 1173 of said code is amended to read:

Special tax election

1173. When a special tax is petitioned for, the board shall immediately order an election within the division to determine

whether such tax will be levied. The board may submit to the electors at such election the question whether the balance of the estimated cost of the proposed work will be raised by a special tax in one year or spread equally over two, three, four, five or six successive years and whether the amount annually estimated to be needed for maintenance will be raised by the annual levy of a special tax for the period appropriate to the period indicated in the petition. The electorate at such an election shall consist of the registered voters residing within the boundaries of the division if there are 10 or more registered voters residing within the division at the time of ordering the election or if there are less than 10 registered voters within the boundaries of the division at the time of ordering the election the electorate shall consist of the legal owners of the land lying within the boundaries of such division as shown on the last equalized assessment roll unless proof of transfer of legal title satisfactory to the board is submitted to the board at least 10 days prior to the date of election in which event the transferee shall be an elector in the place and stead of the transferor unless the transferor is the legal owner of other property within the boundaries of the division.

SEC. 8. Section 1175 of said code is amended to read:

1175. Such notice of election shall contain: Notice of election

(a) The time and place of holding the election.

(b) The amount of money proposed to be raised for construction or improvement.

(c) The purpose for which such money is to be used, including a brief description of the proposed work and materials to be used.

(d) Whether it is proposed to raise the amount in one or more years, stating the number of years and the amount to be raised each year.

(e) Whether it is proposed to levy a tax annually for maintenance and for what period any such tax is proposed.

SEC. 9. Section 1178 of said code is amended to read:

1178. If the majority of the votes cast is for the tax, the board shall annually, at the time of levying the county taxes, levy a tax upon all the taxable property in the division sufficient to raise the amount voted for the current fiscal year, and sufficient to meet estimated costs of maintenance for the current fiscal year. The board shall ascertain the rate of taxation by deducting 15 percent for anticipated delinquencies from the aggregate assessed value of the property in the division as it appears on the last equalized assessment roll of the county and then dividing the sum voted by the remainder of such aggregate assessed value. Special tax Rate and levy

SEC. 10. Section 1179 of said code is amended to read:

1179. The tax so levied shall be computed and collected in the same manner as county taxes, and when collected shall be paid into the county treasury for the use of the division in which the tax is collected. Collection

Termination of division

SEC. 11. Section 1194 of said code is amended to read:

1194. On the payment of all debts of the division or on the failure of the division at two successive elections to vote a special tax or bonds for any proposed work, the division shall cease to exist unless the division exists also for the purpose of maintenance. The second election for a special tax or bond issue shall be held not less than six months nor later than one year after the election at which a special tax or bond issue was defeated.

CHAPTER 982

An act to amend Section 4033 of the Business and Professions Code, relating to pharmacy.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4033 of the Business and Professions Code is amended to read:

4033. "Physicians," "dentists," "pharmacists," "chiropodists," "veterinarians," "veterinary surgeons," are persons authorized by a currently valid and unrevoked license to practice their respective professions in this State. "Physician" means and includes any person holding a valid and unrevoked physician's and surgeon's certificate or certificate to practice medicine and surgery, issued by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of this code, when acting within the scope of said section.

CHAPTER 983

An act to amend Section 8771 of the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8771 of the Business and Professions Code is amended to read:

8771. Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile re-establishment of any point or line of the survey.

When adequate records exist as to the location of subdivision, tract, street or highway monuments, such monuments

shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer at the time when streets or highways are reconstructed or relocated. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location. Sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners, and tract boundaries to be re-established without devious surveys necessarily originating on monuments differing from the ones which currently control the area. It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with such governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, or streets shall not be deemed adequate for this purpose unless specifically noted on the records of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

CHAPTER 984

An act to amend Section 19170 of the Business and Professions Code, relating to the Bureau of Furniture and Bedding Inspection.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

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	$60	$20
Wholesale furniture dealer's license	60	20
Bedding manufacturer's license	60	20
Wholesale bedding dealer's license	60	20
Supply dealer's license	60	20
Furniture repairer's license	40	10
Bedding renovator's license	40	10
Sterilizer's license	40	10
Retail furniture dealer's license	10	2
Retail bedding dealer's license	10	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 985

An act to amend Section 11000 of the Health and Safety Code, relating to narcotics.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11000 of the Health and Safety Code is amended to read:

11000. As used in this division, the terms "physician," "veterinarian," "dentist," "chiropodist," and "pharmacist," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and includes an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, when acting within the scope of said section.

CHAPTER 986

An act to amend Section 1282 of the Insurance Code of the State of California, relating to insurance laws to which reciprocal insurers are subject.

In effect September 11, 1957

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1282 of the Insurance Code of the State of California is amended to read:

1282. The provisions of the following sections, articles and chapters shall be applicable to reciprocal or interinsurance exchanges:

Chapter 1, Part 1, Division 1;
Article 1, Chapter 4, Part 1, Division 1;
Article 5, Chapter 1, Part 2, Division 1;
Article 6, Chapter 1, Part 2, Division 1;
Article 14, Chapter 1, Part 2, Division 1;
Article 16, Chapter 1, Part 2, Division 1;
Chapter 9, Part 2, Division 1;

Sections 1101 to 1106, inclusive;
Article 1, Chapter 1, Part 3, Division 2;
Article 2, Chapter 1, Part 3, Division 2;
Article 1, Chapter 2, Part 3, Division 2;
Article 2, Chapter 2, Part 3, Division 2;
Article 1, Chapter 3, Part 3, Division 2;
Article 2, Chapter 3, Part 3, Division 2; and
Article 3, Chapter 3, Part 3, Division 2.

CHAPTER 987

An act to add Section 28.1 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to the right to condemn the whole of any parcel that will be seriously damaged by the taking of a portion thereof.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28.1 is added to the Alameda County Flood Control and Water Conservation District Act, to read:

Sec. 28.1. Whenever land is to be condemned by the district for any of the uses and purposes permitted by law, and the taking of a part of a parcel of land would leave the remainder thereof in such size or shape or condition as to require the district to pay in compensation for the taking of such part an amount equal to the fair and reasonable value of the whole parcel, the resolution of the board may provide for the taking of the whole of such parcel and upon the adoption of any such resolution it shall be deemed necessary for the public use, benefit, safety, economy, and general welfare that the district acquire the whole of such parcel.

CHAPTER 988

An act to amend Section 7 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to officers, assistants, deputies, clerks and employees.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 7. The district attorney, county surveyor, county assessor, county tax collector, county clerk, county auditor,

purchasing agent and county treasurer of the County of Alameda, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Alameda County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees, respectively, of said Alameda County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Alameda County, in order to carry out the provisions of this act.

All such officers, deputies, clerks and employees shall receive their actual and necessary expenses in the performance of official duties under this act payable from the funds of the Alameda County Flood Control and Water Conservation District; provided, however, that the board may by agreement with the county reimburse it for the services rendered to the district by such officers, assistants, deputies, clerks and employees. Officers, assistants, deputies, clerks and employees of the district may, without prejudice to their rights, be transferred to the service of the county, or may be assigned to perform work for the county, in which event a charge for such services rendered shall be payable by the county to the district.

CHAPTER 989

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 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

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 Division 5, Chapter 2, Article 6 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of directors.

CHAPTER 990

An act to amend Section 21802 of, and to add Sections 21800.1, 21800.2, 21800.3, 21800.4, 21825.1, 21854 to, the Water Code, relating to the recall of irrigation district officers.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 21800.1 is added to the Water Code, to read:

Notice of intention

21800.1. Before submitting the petition for signatures, its proponents shall publish a notice of intention to do so The notice shall be accompanied by a statement, not exceeding 500 words in length, of the reasons for the proposed recall. The statement is solely for the information of the electors, of the grounds on which the recall is sought. No insufficiency in the statement shall affect the sufficiency of the petition, but the grounds shall refer to the official conduct of the officer whose recall is being sought. The notice and statement shall be published at least once in a newspaper of general circulation published in the principal county, or if no newspaper is published therein, then in a newspaper of general circulation circulated within the principal county. If no newspaper of general circulation is so published or circulated, then a copy of the notice of intention and the accompanying statement shall be posted in three public places in the principal county.

SEC. 2. Section 21800.2 is added to said code, to read:

Service

21800.2. A copy of the notice of intention and statement shall be served upon, or sent by registered mail to, the officer sought to be recalled and an affidavit of such service shall be filed with the secretary. The affidavit shall designate the mode in which service was made and shall designate the newspaper in which it was published, the date of the first publication thereof, or if posted shall state the date of the first posting, and describe the places of such posting in a manner sufficient to enable the locations thereof to be readily ascertained.

SEC. 3. Section 21800 3 is added to said code, to read:

Answer

21800.3. Within 14 days after the publication or posting of the notice and statement, the officer sought to be recalled may publish an answer to the statement. The answer to the statement shall not exceed 500 words in length, and shall be published in the same newspaper or posted in the same places, as the notice of intention and statement. The state-

ment and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken. The officer shall file a copy of any answer made with the secretary.

SEC. 4. Section 21800.4 is added to said code, to read:

Recall petition: Circulation

21800.4. Thirty days after the publication or posting of the notice and statement, the petition demanding the recall of the officer may be circulated among the qualified voters of the district for the securing of signatures. The petition shall bear a copy of the notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 120 days from the first publication or posting of the notice of intention.

SEC. 5. Section 21802 of said code is amended to read:

Contents

21802. In order to recall an officer a petition shall be filed with the secretary containing all of the following:

(a) Request that an election be called to elect a successor to the officer.

(b) The notice of intention and the statement published or posted.

(c) Signatures of voters in the unit by which the officer or his elected predecessor was elected, at least equal in number to 10 percent of the registered voters in said unit, as shown by the list of eligible voters for the last preceding general election in the district.

(d) The date of each signature, the signer's precinct, his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained, all of which shall be affixed by the signer at the time of his signing.

SEC. 6. Section 21825.1 is added to said code, to read:

Sample ballots

21825.1. The secretary shall print and mail to each voter at least 10 days prior to the election, sample ballots upon which shall be printed the statement of the proponents which was published with the notice of intention and the answer, if any, of the officer sought to be recalled.

SEC. 7. Section 21854 is added to said code, to read:

Disqualification if recalled

21854. A person who has been recalled shall not be a candidate for, nor appointed to, such office within one year after recall.

CHAPTER 991

An act to amend Sections 73392 and 73393 of the Government Code, relating to the municipal court for Alviso and San Jose.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

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 seven hundred seventy-nine dollars ($779) monthly with annual increments of thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), and forty-five dollars ($45) to a maximum of nine hundred forty-seven dollars ($947) monthly. Salaries Clerk

SEC. 2. Section 73393 of the Government Code is amended to read:

73393. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), and thirty-five dollars ($35) to a maximum of seven hundred forty-two dollars ($742) monthly. Deputy clerks

(b) Eight deputy court clerks, grade III, each of whom 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), and twenty-four dollars ($24) to a maximum of five hundred two dollars ($502) monthly.

(c) Twelve deputy court clerks, grade II, 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.

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred thirty-eight dollars ($338) monthly.

A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attaches who are required to work a night shift shall be paid one step more than the amount to which they are otherwise entitled. Night shift

Prior service

All persons employed by the court on the effective date 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. Changes of title shall not detract from years of prior service.

CHAPTER 992

An act to add Section 2212 to the Education Code, relating to the powers of governing boards of school districts.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2212 is added to the Education Code, to read:

2212. The governing board of any school district may make a charge for furnishing transcripts of former pupils' records in excess of two copies, and for more than two verifications of various records of former pupils. Such a charge shall be fifty cents ($0 50) or an amount not to exceed the cost of rendering the service, whichever is the lesser.

CHAPTER 993

An act to amend Section 69749 of the Government Code, relating to sessions of the superior court.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 69749 of the Government Code is amended to read:

69749. Except in those cities in which sessions of the superior court are required by law to be held and in which such sessions were being held on or before July 1, 1954, no sessions of the superior court shall be held in any city thereafter meeting the requirements of this article unless the city hall of that city is 14 miles or more from the city hall of the nearest city other than the county seat in which one or more sessions of the superior court are held.

If after October 1, 1949, such sessions are authorized by law to be held in such city for the first time, the adequacy of the proposed court's quarters in which such sessions are to be held shall be approved in advance by a majority of the judges of the superior court.

CHAPTER 994

An act to amend Sections 6334 and 12304 of the Education Code, relating to the Public School System.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 12304 of the Education Code is amended to read:

Life diploma application. Evidence

12304. The application shall be accompanied by evidence showing that the applicant is competent to perform the service of the life diploma applied for and by a recommendation from the county board of education of the California county in which the applicant was last employed for one full school year to the effect that the candidate has rendered successful educational service in the public schools of the county for a period of not less than eight consecutive school months and that the candidate is a fit person to possess a life diploma. The recommendation shall be based upon a resolution of the county board approved by at least a majority of its members.

SEC. 2. Section 6334 of said code is amended to read:

Publication budget

6334. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 6301-6302 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in the newspaper of general circulation 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 dis-

tricts 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 995

An act to amend Sections 25978, 26075 and 26076 of the Water Code, relating to assessments in irrigation districts.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 25978 of the Water Code is amended to read:

Fee

25978. Each application shall be accompanied by a fee of two dollars ($2) for each separate portion into which the applicant desires the parcel to be segregated.

SEC. 2. Section 26075 of said code is amended to read:

Delinquent date

26075. Unpaid assessments not payable in installments are delinquent at 5 p.m. on December 20th of the year in which they are levied.

SEC. 3. Section 26076 of said code is amended to read:

Same

26076. Whenever assessments are payable in installments the first installment if unpaid is delinquent at 5 p m. on December 20th of the year in which the assessment was levied, and the second installment if unpaid is delinquent at 5 p.m. on the following June 20th. The whole amount of completion assessments if unpaid shall become delinquent on December 20th notwithstanding that assessments in the district are payable in installments. If any of the dates of delinquency in this section or in Section 26075 fall on a Saturday, Sunday or a state holiday, the assessment due on that date becomes delinquent at 5 p.m on the next business day.

Operative date

SEC. 4. The provisions of this act shall become operative on July 1, 1958.

CHAPTER 996

An act to add Section 673.5 to the Elections Code, relating to election officers.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 673.5 is added to the Elections Code, to read:

673.5. In any case where the provisions of this chapter require the publication of a list of the names of election officers, or a portion of such list, the officers charged with the duty of publication shall ascertain the name of the political party, if any, with which each such election officer is affiliated as shown in the affidavit of registration of such officer. When the list is published there shall be printed the name of such party to the right of the name, or immediately below the name of each such election officer. The names of such political parties may be abbreviated as provided in Section 3928.1. If an election officer is not affiliated with a political party, the words "No party" shall be printed to the right of or beneath his name.

CHAPTER 997

An act to add Section 24058 to the Government Code, relating to duties of county officers to attend meetings and conferences called by civil executive officers of the State.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24058 is added to the Government Code, to read:

24058. Notwithstanding any provision of law to the contrary, but excepting herefrom any meetings of law enforcement officers called pursuant to Section 12524 of the Government Code, when any county officer is called or summoned to attend any meeting or conference by any civil executive officer of the State pursuant to state law, his expenses of attending such meeting or conference may be made charges against the county only when the approval of the board of supervisors has first been obtained.

CHAPTER 998

An act to amend Sections 18171 and 18171.1 of the Streets and Highways Code, relating to street lighting.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18171 of the Streets and Highways Code is amended to read:

18171. The city council shall, within 10 days after the establishment of the district, invite bids for the making of the improvement by ordering a notice of such invitation to be published by two successive insertions in a daily or weekly newspaper published or circulated in the city and designated by the city council for that purpose; provided, however, that Bids

if the city council determines that there is only one contractor practically capable of serving the street lighting system to be improved in the manner provided in the plans and specifications contained in the report provided for in Chapter 3 and that such contractor is subject to the jurisdiction of the Public Utilities Commission of the State of California, the city council may, in its discretion without competitive bidding, order the improvement to be carried out by such contractor in accordance with rates and rules filed by it from time to time with said Public Utilities Commission. Every bid shall be accompanied by a certified check amounting to not less than 10 percent of the bid, payable to the order of the city clerk, and the check shall be forfeited to the city in case the bidder depositing it does not, within 15 days after the notice that the contract has been awarded to him, enter into a contract with the city for making the improvement, the faithful performance of which shall be secured by an undertaking in such penal sums as the city council shall require, with sureties satisfactory to that body. In any case where competitive bidding is required, the contract shall be awarded to the lowest responsible bidder.

SEC. 2. Section 18171.1 of the Streets and Highways Code is amended to read:

Contract

18171.1. The contract shall require that the improvement be made, and the improvement shall be made, strictly in accordance with the plans and specifications contained in the report provided for in Chapter 3.

The contract for service shall be for a period not less than three years from and after the date electric energy and service is first delivered to the lighting district pursuant to such contract and shall be extended automatically thereafter for successive terms of one year each; provided, that the agreement may be terminated by either party upon not less than sixty (60) days' written notice prior to the expiration date of the original term or any extended term.

CHAPTER 999

An act to add Section 123.5 to the Streets and Highways Code, relating to the California Missions and, more particularly, to highway signs directing the way to them.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 123.5 is added to the Streets and Highways Code, to read:

123.5. The department shall erect and maintain signs directing the way to each of the 21 California Missions originally established by the Franciscan Fathers at the state highway intersection (or turn-offs in case of freeways) nearest to each of the missions.

CHAPTER 1000

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale under execution.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any mortgage or deed of trust, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than five days nor more than 10 days.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation printed and published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation printed and published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation be printed and published in the city or judicial district, as the case may be, in some newspaper of general circulation printed and published in the county in which the property or some part thereof is situated. Provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 1001

An act to add Section 7721.3 to the Education Code, relating to apportionments of State School Building Aids Funds to school districts.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7721.3 is added to the Education Code, to read:

7721.3. Whenever a conditional apportionment has heretofore been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 1002

An act to amend Sections 8764 and 8766 of, and to add Section 8764.5 to, the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8764 of the Business and Professions Code is amended to read:

Record of survey

8764. The record of survey shall show:

(a) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto.

(b) Bearing or witness monuments, basis of bearings, bearing and length of lines, and scale of map.

(c) Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.

(d) Memorandum of oaths.

(e) Certificates required by Section 8764.5 or that may be required by Section 8766.5 of the Business and Professions Code.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

SEC. 2. Section 8764.5 is added to said code, to read:

8764.5. Certificates shall appear on the map as follows: Surveyor's and recorder's certificate

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code at the request of _____

Name of Person Authorizing Survey

in _____, 19___.

(Signed and sealed) _____

L. S. (or R. C. E.) No. _____

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code this _____ day of _____, 19___.

(Signed) _____

County Surveyor

RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 19___, at _____ ___.m. in Book _____ of _____ at page _____, at the request of _____.

(Signed) _____

County Recorder

No other certificates or statements shall appear on the map except those of a technical nature affecting the locations of the survey lines or monuments represented on the map.

SEC. 3. Section 8766 of said code is amended to read:

8766. Within 20 days after receiving the record of survey, or within such additional time as may be reasonably necessary, the county surveyor shall examine it with respect to: Examination

(a) Its accuracy of mathematical data and completeness of information as required in Section 8764.

(b) Its conformity to other records or satisfactory evidence of the error of such other records.

(c) Its compliance with the provisions of this chapter.

(d) Whether or not it appears to be the record of survey of a subdivision as defined in Section 11535.

CHAPTER 1003

An act to add Sections 14002.5, 14002.6 and 14002.7 to the Education Code, relating to school district employees, and making an appropriation.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14002.5 is added to the Education Code, to read:

Duplicate identification cards

14002.5. The governing board of any school district may require each person applying for, or employed in, a position not requiring certification qualifications to submit duplicate personal identification cards provided by the district upon which shall appear the legible fingerprints and a personal description of the applicant or employee, as the case may be, and may transmit such identification cards to the Department of Education. Upon receiving such identification cards, the department shall ascertain whether the applicant or employee has been convicted of any crime insofar as such fact can be ascertained from information available to the department.

A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or a forfeiture of bail is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

SEC. 2. Section 14002.6 is added to said code, to read:

Securing information

14002.6. The Department of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any person who is an applicant for a position in a school district not requiring certification qualifications or who is employed in such a position and for that purpose, any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the department, all information pertaining to any such person of whom there is a record in its office.

SEC. 3. Section 14002.7 is added to said code, to read:

Fee

14002.7. A fee in the sum of two dollars ($2) shall be charged and collected by the Department of Education from each school district for each set of duplicate personal identification cards transmitted to the department by the district. All moneys received by the department pursuant to this section are hereby appropriated for the support of the department in addition to such other funds as may be appropriated therefor by the Legislature.

CHAPTER 1004

An act to add Article 10 (commencing at Section 427) to Chapter 2, Part 1, Division 1 of, and to repeal Section 210 of, the Health and Safety Code, and to repeal Chapter 18 (commencing at Section 26000) of Division 9 of the Business and Professions Code, relating to alcoholic rehabilitation.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 10 is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 10. Alcoholic Rehabilitation

Alcoholic Rehabilitation Division

427. There shall be a division established within the State Department of Public Health which shall be known as the Alcoholic Rehabilitation Division. The department shall, through the division, engage in the treatment and rehabilitation of alcoholics by contract with local agencies or otherwise. It shall also, through the division, investigate and study all phases of the rehabilitation of alcoholics and all factors necessary to the reduction and prevention of chronic alcoholism and other excessive uses of alcohol, and shall periodically report its findings thereon to the Governor and to the Legislature together with its recommendations.

Local cooperation

427.1. The department may contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local programs for the treatment and rehabilitation of alcoholics, and local governmental agencies and voluntary nonprofit organizations are authorized to establish clinics for the treatment and rehabilitation of alcoholics.

Contract

427.2. Any contract entered into pursuant to Section 427.1 after the effective date of this article may provide for financial assistance on behalf of the State.

Commission abolished

427.3. The Alcoholic Rehabilitation Commission is abolished The department succeeds to and is vested with all powers, duties, responsibilities, and jurisdiction of the commission under any existing contract between the commission and any local governmental agency or voluntary nonprofit organization.

Advisory committee

427.4. The Director of Public Health may appoint an advisory committee consisting of five members serving at his pleasure to advise him and the department in the performance of the duties imposed by this article. He shall also designate the chairman thereof from time to time. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for

actual and necessary expenses incurred in connection with the performance of their duties.

Repeal

SEC. 2. Section 210 of the Health and Safety Code is hereby repealed.

SEC. 3. Chapter 18 (commencing at Section 26000) of Division 9 of the Business and Professions Code is hereby repealed.

Employee transfer

SEC. 4. All persons, other than temporary employees, serving in the state civil service as employees of the Alcoholic Rehabilitation Commission are hereby transferred to the State Department of Public Health on the effective date of this act and shall retain their respective positions in the state civil service subject to the provisions of Article XXIV of the Constitution and laws continued in force thereby or adopted pursuant thereto.

On and after the effective date of this act the unencumbered balance of all money heretofore available for expenditure by the Alcoholic Rehabilitation Commission in carrying out its functions shall be made available for the support of the State Department of Public Health in carrying out its functions under Article 10 (commencing at Section 427) of Chapter 2, Part 1, Division 1 of the Health and Safety Code, and all books, documents, records, and property of the Alcoholic Rehabilitation Commission shall be transferred to the State Department of Public Health.

CHAPTER 1005

An act to repeal Sections 3731, 4107 and 4111 of, and to add Section 3731 to the Revenue and Taxation Code, relating to refunds of purchase price of erroneously sold tax-deeded property, the Controller's receipt for redemption and the recorder's notation of redemptions.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3731 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 3731 is added to said code, to read:

Refund following quitclaim deed

3731. The purchaser of tax-deeded property, upon execution of a quitclaim deed to the State reconveying to the State all the right, title and interest of the State in the property which such purchaser obtained by the deed of the tax collector under the provisions of this chapter, is entitled to a refund of the amount paid as purchase price whenever it is determined by the board of supervisors, and upon written approval of the district attorney, that the property should not have been sold for taxes. The refund shall be made in the same manner as a refund of an overpayment of tax.

The county clerk shall take acknowledgment of the quitclaim deed, without a charge, and it shall be delivered to the county tax collector, who shall forthwith record said quitclaim deed with the county recorder.

After being recorded, the quitclaim deed shall be forwarded to the Controller; and, thereafter, such property shall be held as tax-deeded property, and all the provisions of law relating to deeds to the State for taxes shall apply to such quitclaim deeds.

SEC. 3. Section 4107 of said code is repealed. Repeals

SEC. 4. Section 4111 of said code is repealed.

CHAPTER 1006

An act to add Section 10066 and to amend Section 10060 of the Health and Safety Code, relating to records of vital statistics.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 10, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10066 of the Health and Safety Code is added, to read:

10066. Special county records of birth certificates and death certificates transmitted and filed with the county recorder under the provisions of this chapter shall be open for inspection by the public in accordance with rules and regulations adopted by the State Department of Public Health for local registrars. Public inspection

SEC. 2. Section 10060 of the Health and Safety Code is amended to read:

10060. Each local registrar of births and deaths, except a local registrar of a city and county and the local registrars of cities of over 1,000,000 population, shall transmit to the county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original birth certificate, which shall exclude the medical and health section data, and a full copy of each original death certificate. Record

CHAPTER 1007

An act to amend Section 27205 of the Government Code, relating to recordation of instruments.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 27205 of the Government Code is amended to read:

27205. After two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans, specifications and bond under which the work or improvement was performed may be returned by the recorder to the person filing them, unless the recorder has been notified in writing to retain them by someone claiming some interest under the contract or in the property affected. After five years from the date of filing in the recorder's office of any contract, plans, and specifications of any building or improvement, the recorder may destroy the contract, plans, specifications, and bond relating thereto if they have not been delivered as provided in this section, unless he has been notified in writing to retain them by someone claiming some interest under the contract or in the property affected.

CHAPTER 1008

An act to add Section 65.15 to the Agricultural Code, relating to county agricultural commissioners.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 65.15 is added to the Agricultural Code, to read:

65.15. The commissioner may disseminate information relating to pests that may exist in his county, or be likely to exist therein, including life histories, habits, methods of detection, and methods of control.

CHAPTER 1009

An act to add Section 2163.8 to the Welfare and Institutions Code, relating to motor vehicles.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2163.8 is added to the Welfare and Institutions Code, to read:

2163.8. For the purposes of this chapter the term personal property shall not include a motor vehicle needed for transportation which is owned by the applicant or recipient.

CHAPTER 1010

An act to amend Section 27322 and to add Sections 27322.1, 27322.2, 27322.3, 27322.4, and to amend Section 27323 of the Government Code, relating to recordation of instruments.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 27322 of the Government Code is amended to read:

27322. The recorder shall record by legible handwriting, by typewriting, or by photographic reproduction process, in well-bound books or by such other means as provided in this chapter, all instruments, papers and notices the recording of which is required or permitted by law. Record

SEC. 2. Section 27322.1 is added to said code, to read:

27322.1. The words "file for record" when used as a directive in any law relating to any document to be filed in the recorders office shall be deemed to mean "record" in the manner provided for in Section 27322 of this code. "File for record"

SEC. 3. Section 27322.2 is added to said code, to read:

27322.2. A system of microphotography may be used by the recorder as a photographic reproduction process to record some or all instruments, papers and notices that are required or permitted by law to be recorded or filed. All film used in the microphotography process shall comply with minimum standards of quality approved by the United States Bureau of Standards. The original copy of the microfilm shall be kept in a safe and separate place for security purposes. A true copy of such film shall be arranged in a suitable place in the office of the recorder to facilitate public inspection. Microphotography

SEC. 4. Section 27322.3 is added to said code, to read:

27322.3. If the recorded instruments or the record books in the office of the recorder have been microfilmed for preservation purposes, a type of record book may be used which will permit the removal of leaves in order that reproduction may be made in an efficient manner. Record book

In order to microfilm or otherwise reproduce the record books for preservation purposes, permanently bound record books may be disassembled and after they have been copied such books shall be rebound in a type of record book which will permit the removal of leaves in order that reproduction may be made in an efficient manner.

SEC. 5. Section 27322.4 is added to said code, to read:

27322.4. The county recorder may cause any or all files or records in his official custody to be microphotographed or otherwise reproduced on film as in the case of original filings or recordings or both. Every such reproduction shall be deemed and considered an original; and a transcript, exemplification or certified copy, as the case may be, of the original. Reproduction deemed original

SEC. 6. Section 27323 of said code is amended to read:

Means of recordation

27323. The recorder may segregate the instruments, papers, and notices and record them in separate books, or sheets or rolls of film under titles of indices provided for in Article 2 of this chapter.

In lieu thereof the recorder may record any or all of the instruments, papers or notices in one general series of books or film to be called "official records." The series shall be numbered consecutively beginning with number one. The recording of instruments in "official records" imparts notice in like manner and effect as if the instruments were recorded in separate books or film.

CHAPTER 1011

An act to amend Sections 1188.2 and 1189.1 of the Code of Civil Procedure, relating to liens arising out of works of improvement upon property: filing bond.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1188.2 of the Code of Civil Procedure is amended to read:

Bond

1188.2. In the event the holder of any mortgage or deed of trust which otherwise would be inferior to the liens provided for in Articles 1 to 4, inclusive, of Chapter 2, Title 4, Part 3 of the Code of Civil Procedure, which liens arise out of a work of improvement upon the property to which the mortgage or deed of trust attaches shall procure or cause to be procured a bond with good and sufficient sureties which complies with the requirements of this section and shall file such bond for record in the office of the county recorder of the county in which the property is situated either concurrently with or after the filing for record of such mortgage or deed of trust, then such mortgage or deed of trust shall be prior and paramount to the liens of all persons arising out of such work of improvement for work done or materials furnished subsequent to the time such bond is filed as herein provided. Such bond, upon which either the contractor or owner may be the principal, must comply with the following requirements: (1) it must be in an amount not less than seventy-five (75) percent of the face principal amount of such mortgage or deed of trust, (2) it must refer to the mortgage or deed of trust in connection with which the bond is given, and (3) it must be conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and there must be incorporated in such bond a provision by its express terms making it inure to the sole benefit of any and all persons who perform labor upon,

or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit to foreclose such liens, or in a separate suit brought on said bond.

The provisions of this section shall not apply to liens provided for by Section 1184.1 of the Code of Civil Procedure, the priority of such liens being as provided by Section 1189.1 (b) of the Code of Civil Procedure.

The original record of any bond, or a certified copy thereof, which has been filed for record pursuant to this chapter may be read in evidence in an action or proceeding with the like effect as the original instrument, without further proof.

SEC. 2. Section 1189.1 of the Code of Civil Procedure is amended to read:

Separate contract and lien preferences

1189.1. (a) If the work of improvement of the character referred to in Section 1184.1 is provided for in a separate contract from any contract or agreement with respect to the erection of residential units or other structures upon said lot or tract of land, then the work of improvement of the character referred to in that section shall be deemed a separate work of improvement and the commencement thereof shall not constitute a commencement of the work of improvement consisting of the erection of any residential unit or other structure upon said lot or tract of land.

(b) The liens provided for in Section 1184.1 are preferred to (1) any mortgage, deed of trust, or other encumbrance which may have attached subsequent to the time when the work of improvement of the character referred to in that section in connection with which the lien claimant has done his work or furnished his materials was commenced; or to (2) any mortgage, deed of trust, or other encumbrance of which the lien claimant had no notice and which was unrecorded at the time when such work of improvement was commenced; or to (3) any mortgage, deed of trust, or other encumbrance recorded before the commencement of the work of improvement of the character referred to in that section which was given for the sole or primary purpose of financing such work of improvement unless the loan proceeds are, in good faith, placed in the control of the lender under a binding agreement with the borrower to the effect that such proceeds are to be applied to the payment of claims for labor performed or materials used or consumed in such work of improvement and that no portion of such proceeds will be paid to the borrower in the absence of satisfactory evidence that all claims for such labor or materials have been paid or that the time for filing claims of lien arising out of such work of improvement has expired and no such claims have been filed; provided, however, that in the event the owner of the land or the holder of any mortgage, deed of trust, or other encumbrance thereon shall procure or cause to be procured a bond with good and sufficient sureties which shall be conditioned

for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and shall cause to be incorporated in said bond a provision by its express terms making it inure to the benefit of any and all persons who perform labor upon, or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter, or in a separate suit brought on said bond, then such mortgage, deed of trust, or other encumbrance shall be prior and paramount to the liens provided for in that section arising out of such work of improvement irrespective of whether or not such mortgage, deed of trust, or other encumbrance attached before or after the time when the work of improvement commenced and irrespective of the nature or provisions for payment of the consideration of such mortgage, deed of trust, or encumbrance. Such bond given under this section must, in order to comply with its requirements, be either (1) a statutory labor and materials bond, complying with all of the provisions of Section 1185.1 of this code, save and except that said last mentioned bond may instead of being filed with the original contract, before the work of improvement is commenced, in the office of the county recorder of the county where the property is situated, be filed for record in such office at any time before such work of improvement has been completed, or such bond may be (2) a bond with good and sufficient sureties in an amount not less than fifty (50) percent of the face principal amount of such mortgage, deed of trust, or other encumbrance, and shall be given for the sole benefit of persons performing labor upon, or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to the work of improvement to which said bond refers, upon which last mentioned bond either the contractor or the owner may be principal, and which last mentioned bond shall be filed for record, in order to comply with the requirements of this section, before the work of improvement to which said bond refers is completed.

CHAPTER 1012

An act to amend Section 17 of the Penal Code, relating to the definition of felony.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Penal Code is amended to read:

17. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime is a misdemeanor. When a crime, punishable by imprisonment in the state prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

CHAPTER 1013

An act to amend Section 553 of the Welfare and Institutions Code, relating to wards of the juvenile court.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 553 of the Welfare and Institutions Code is amended to read:

553. No merely unfortunate person shall, in any detention or commitment under the provisions of this chapter, be brought into direct contact or personal association with any wayward person of evil influence.

Separate facilities for such unfortunate persons shall be provided by the board of supervisors in each juvenile hall established pursuant to Article 5 of this chapter, and in each joint detention home established pursuant to Article 5a of this chapter.

CHAPTER 1014

An act to add Section 1738 to the Insurance Code, relating to insurance.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1738 is added to the Insurance Code, to read:

1738. Whenever the commissioner may determine or have good cause to believe that any insurance agent or broker has failed to keep or maintain the records required by Section 1663 of this code, in connection with or in lieu of any other disciplinary action against the license of such licensee, the commissioner may issue his order requiring such licensee to establish and currently complete such records within sixty (60) days from the date of such order. When such order is given in lieu of other disciplinary action, notice of such order

may be given by certified mail addressed to the office of such licensee. Failure of such licensee to comply with such order within the time specified therein shall be grounds for the suspension or revocation of the license or licenses of such licensee, and the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1015

An act to amend Section 1286 of the Agricultural Code, relating to cooperative agreements.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1286 of the Agricultural Code is amended to read:

1286. (a) The director is authorized to enter into cooperative agreements with the Secretary of Agriculture and/or the Administrator, Research and Marketing Act of 1946 to develop projects or programs designed to improve, expand, and correlate the work of both agencies in:

(1) Federal-state cooperative crop reporting.
(2) Federal-state cooperative market news services.
(3) Seed and crop improvement.
(4) Agricultural products certification.
(5) Marketing orders and programs.
(6) Milk and milk products stabilization.
(7) Market enforcement.
(8) Agricultural trade.
(9) Agricultural commodities, grades, and standards.
(10) Prepackaging of, and special containers for, shipment of farm products.

(b) The director is also authorized to enter into agreements with federal administrative committees established by the Secretary of Agriculture of the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, with advisory boards and program committees established by the director pursuant to the provisions of Chapters 10 and 11 of Division 6 of this code, with producers' cooperative marketing associations and other producer or handler organizations to assist financially or otherwise in the development of such projects or programs and in putting the results of such projects or programs into operation within this State.

(c) The director is also authorized to receive and pay out money for the purposes mentioned in this section.

CHAPTER 1016

An act to add Sections 1752.1 and 740.6 to the Welfare and Institutions Code, relating to contracts for the extension of services by the Youth Authority to counties, and to diagnostic studies of minors under the jurisdiction of the juvenile court.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1752.1 is added to the Welfare and Institutions Code, to read:

1752.1. The director may enter into contracts with the approval of the Director of Finance with any county of this State, upon request of the board of supervisors thereof, wherein the Youth Authority agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the Youth Authority in connection with the operation of the juvenile court. The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of Finance. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

Contract with county

SEC. 2. Section 740.6 is added to said code, to read:

740.6. (a) In any case in which a juvenile court has jurisdiction over a minor eligible for commitment to the Youth Authority, the court, if it concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Youth Authority, may order that such minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Youth Authority report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

Diagnostic study and treatment

(b) The Director of the Youth Authority shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court his diagnosis and recommendation concerning such minor's future care, supervision, and treatment.

(c) The Youth Authority shall accept such person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the Youth Authority certifies that staff and institutions are

available. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such minor in the center or returning him therefrom to the court. The expense of such probation officer or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

CHAPTER 1017

An act to add Section 108.6 to the Agricultural Code, relating to diseases of fruit, nut or vine crops.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 108.6 is added to the Agricultural Code, to read:

108.6. Whenever the director, after investigation and hearing, determines that any kind or variety of plant is generally infected with a virus disease that is dangerous or detrimental to the production of fruit, nut or vine crops in this State, he may adopt regulations prohibiting or restricting the budding, grafting or otherwise joining of tissue of such kind or variety of plant with any kind or variety of fruit or nut tree or vine that is used in the commercial production of fruits or nuts; provided, that whenever a source of any prohibited or restricted kind or variety of plant has been demonstrated to be free of dangerous or detrimental viruses, the director shall permit use of such source. It is unlawful to bud, graft or otherwise propagate or grow fruit or nut trees or vines in violation of such regulations or to sell as nursery stock any plants so produced.

CHAPTER 1018

An act to amend Sections 305 and 315 of, and to add Section 315.5 to, the Agricultural Code, relating to meat inspection.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 305 of the Agricultural Code is amended to read:

305. No establishment may be operated in the State for the purpose of slaughtering animals, or for the manufacture of meat food products unless such establishment is operated under federal inspection, state inspection, or approved municipal inspection. Inspection

No dressed carcasses of animals intended for food purposes, parts thereof, prepared meats or meat food products shall be sold, offered for sale, exposed for sale or had in possession for sale within the State unless the same shall bear the "inspected and passed" stamp of federal inspection, state inspection or approved municipal inspection applied at the establishment where the animal was slaughtered and at the establishment where the meat or meat food products were prepared or manufactured.

This section shall be effective only in counties having a population of 28,000 or over.

SEC. 2. Section 315 of said code is amended to read:

315. The director shall make rules and regulations necessary for the execution of this article. Such rules and regulations may include standards for meat products The rules and regulations adopted under this article shall conform so far as possible to the rules, regulations and standards of the United States Department of Agriculture governing inspection, preparation and processing of meat and meat food products

SEC. 3. Section 315.5 is added to said code, to read:

315.5. It is unlawful to prepare, process, manufacture or sell any meat or meat food product which is mislabeled, or which is adulterated. Failure to conform to the rules, regulations or standards applicable to such product is unlawful. Adulterated or mislabeled meat

The director may seize and retain any meat or meat food products that are slaughtered or manufactured in violation of this article, the meat or meat food products to be held under retained tags until released by the director or by a court of competent jurisdiction. It shall be unlawful to remove retained tags or dispose of any products so held until authorized to do so by the director or by a court of competent jurisdiction.

CHAPTER 1019

An act to add Chapter 1.5, comprising Sections 4050 to 4067, inclusive, to Title 4, Part 3, of the Penal Code, relating to joint county jails.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5, comprising Sections 4050 to 4067, inclusive, is added to Title 4, Part 3, of the Penal Code, to read:

CHAPTER 1.5. JOINT COUNTY JAILS

Short title

4050. This chapter may be cited as the Joint County Jail Act.

Formation of district

4051. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail to serve such counties.

Powers

4052. Any district organized under this chapter shall have and exercise the powers expressly granted in this chapter, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this chapter.

Resolution

4053. The board of supervisors of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of this chapter to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a joint county jail under the provisions of this chapter for the counties so named.

4054. When adopted, certified copies of the resolution provided for in Section 4053, shall be transmitted to the several clerks of the boards of supervisors in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in Section 4053, the board of supervisors of the county adopting the same shall name and appoint two members of the board to represent the county upon the board of directors of the joint district proposed to be organized.

Rejection or approval

4055. Upon receipt of the resolution adopted under Section 4053, the boards of supervisors of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matters otherwise required therein, also name and appoint the members of the board of supervisors of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted

to the clerk of the board of supervisors initiating the proceedings.

Creation of joint district

4056. The board of supervisors of any county initiating proceedings for the creation of a joint district under this chapter shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in Section 4055 from the board of supervisors of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district. A certified copy of the resolution shall be transmitted to and filed with the Secretary of State, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this chapter and shall bear the name and designation of "Joint County Jail District No._____ of the State of California."

Numbering

4057. All districts organized under this chapter shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the Secretary of State, and the Secretary of State shall keep and maintain in his office a list and register showing the joint county jail districts organized under this chapter.

Certificate of organization

4058. The Secretary of State shall furnish and transmit to the clerk of the board of supervisors of the county adopting the initial resolution for the organization of any district under this chapter a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within 10 days send a certified copy of the certificate to each of the clerks of the several boards of supervisors of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within 30 days after the date of mailing notices thereof. The necessary expense incurred by supervisors in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

Board of directors

4059. The body formed under Section 4058 shall be called the board of directors of such district.

Power

4060. The members of the board of directors may enter into an agreement for and on behalf of the counties appointing them binding said counties to the joint enterprise provided for in this chapter and apportioning the cost of establishing and maintaining a joint county jail.

County charge

4061. All sums found due from any county according to the provisions of this chapter are a charge against said county, and may be collected in the manner provided by law by the board of directors of a district formed under this chapter, or,

in its behalf by the board of supervisors of any county in the district by an action instituted and tried in any county in the district in which the same may be filed.

Establishment of jail

4062. The board of directors may establish the joint county jail provided for in this chapter and shall provide for the feeding, care, and treatment of prisoners therein, and must conform to such standards for construction, feeding, clothing, bedding and programming as are imposed pursuant to law on county jails.

Proportionate share

4063. Each county in a district formed under this chapter shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate to constitute a cash revolving fund to carry on the work and expense of maintaining such joint county jail. Each month a statement of the expense of the joint county jail shall be sent to the board of supervisors of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

Commitment

4064. Convicted persons may be committed to a joint county jail from a county comprising the district the same as if the commitment were to a jail maintained by that county alone.

Application

4065. The provisions of Chapter 1 (commencing at Section 4000) of this title shall, so far as appropriate, be applicable to a joint county jail established pursuant to this chapter, and

Powers of superintendent

the person appointed by the board of directors to superintend a joint county jail has such powers and duties as has a sheriff, with respect to county jails, under Chapter 1.

Regulations

4066 The board of directors may make rules and regulations for the government of a joint county jail not inconsistent with law.

Dissolution

4067. A joint county jail district formed under this chapter may be dissolved in the following manner:

(a) The board or boards of supervisors of a county or counties containing more than fifty percent (50%) of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a joint county jail is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

(b) The resolution or resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all the counties comprising the district and also to the Secretary of State.

(c) If it appears that the resolution was unanimously adopted by the board or boards of supervisors in the counties desiring to withdraw, and that such county or counties contain more than fifty percent (50%) of the entire population in the district, the Secretary of State shall thereupon certify to the clerks of the boards of supervisors of the counties composing the district that the district is dissolved.

(d) Thereupon the board of directors of the district shall within 90 days:

(1) Abolish the joint county jail;

(2) Return all prisoners therein to the custody of the sheriffs of their respective counties;

(3) Dispose of all equipment belonging to said joint county jail and the district;

(4) Render an accounting to the clerks of the boards of supervisors of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;

(5) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

CHAPTER 1020

An act to amend Sections 5009 and 5010 of the Corporations Code, and to repeal Section 5011 thereof, and to amend Section 1570 of the Code of Civil Procedure, relating to unclaimed money or other property in dissolved corporations.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5009 of the Corporations Code is amended to read:

Deposit of distributive shares

5009 If any shareholders are unknown or fail or refuse to accept their distributive shares in cash or property, or their whereabouts cannot be ascertained after diligent inquiry, or if the ownership of any shares of stock is in dispute, the corporation shall, in case of winding up under court supervision, whether voluntary or involuntary, deposit the distributive shares of such claimants or shareholders with the State Treasurer, and shall, in all other cases, deposit the distributive shares of such claimants or shareholders with the State Treasurer, or with a savings bank, or trust company in the county in which the principal office of the corporation is located, at interest if possible, for the benefit of those who lawfully are entitled thereto. Such distributive shares shall be paid over by the depositary to the lawful owners of the shares of stock, their representatives or assigns, upon satisfactory proof of title.

SEC. 2. Section 5010 of said code is amended to read:

Deposit of unclaimed deposit or dividend

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. 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.

Repeal

SEC. 3. Section 5011 of said code is repealed.

SEC. 4. Section 1570 of the Code of Civil Procedure is amended to read:

State management

1570. For the purpose of providing for the transmittal, receipt, accounting for, claiming, management, and investment of, all money or other property deposited in the State Treasury under the provisions of Section 5009 or 5010 of the Corporations Code, such money or other property shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article; and shall be transmitted, received, accounted for, managed, and invested and the interest earned or other increment derived from such investment disposed of, as provided in this title.

CHAPTER 1021

An act to add Section 1521.3 to the Welfare and Institutions Code, relating to aid to needy children.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1521.3 is added to the Welfare and Institutions Code, to read:

1521.3. For the purposes of this chapter, "personal property" shall not include the value of property belonging to an absent parent and not available to the family.

CHAPTER 1022

An act to amend Section 13 of, and to add Section 4.5 to, the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), relating to the San Bernardino County Flood Control District.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the San Bernardino Flood Control Act is amended to read:

Sec. 13. The board of supervisors shall prescribe the form of the bonds to be issued by the district and of the interest coupons to be attached thereto. The board shall fix the date of the bonds and may, in its discretion, divide the aggregate principal amount of any authorized issue into two or more series and fix different dates for each separate series. In the event any authorized issue is divided into two or more series, the bonds of each series may be made payable at such time or times as may be fixed by the board, separate and distinct from the time or times of payment of bonds of any other series of the same issue; provided, that no bond shall run more than forty (40) years from its date, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of said issue or series, and that beginning with the date of the earliest maturity of each issue or series not less than 1/40th of the indebtedness of such issue or series, as the case may be, shall be paid every year.

The bonds shall be issued in denominations of one thousand dollars ($1,000), or multiples of one thousand dollars ($1,000), as the board of supervisors may determine, and shall be payable on the date and at the place or places stated in such bonds and with interest at the rate specified in such bonds, payable semiannually except that interest for the first year may be made payable at the end of said year. Said bonds shall be signed by the chairman of the board of supervisors (or such other member of the board of supervisors as the board of supervisors shall by resolution designate) and countersigned by the auditor of the county, and the seal of said district shall be affixed thereto. The coupons of said bonds shall be numbered consecutively and signed by the auditor of said county. The signature on all coupons and one signature on the bonds may be by printed, lithographed, or engraved facsimile signature. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature shall nevertheless be valid for all purposes the same as if such person had remained in office until delivery of the bonds.

The board of supervisors may provide that all or any part of the bonds issued may be called and redeemed prior to maturity, at the option of the board, upon payment of such premiums, if any, as said board in the resolution providing for the issuance thereof may determine. In the event any bond is redeemable prior to its maturity, a statement substantially to that effect shall be contained in the bond.

SEC. 2. Section 4.5 is added to said act, to read:

Sec. 4.5. The board of supervisors of said district shall have the power and authority to make application to the State of California, the State Water Resources Board or any other appropriate department of the State of California for San Bernardino County's share of Feather River water or any other supplemental water source. Application for water

CHAPTER 1023

An act to amend Section 5284 of the Public Utilities Code, relating to household goods carriers.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5284 of the Public Utilities Code is amended to read:

5284. A permit shall remain in effect until suspended or terminated as provided in this chapter. Any permit not exercised for a period of one year shall lapse and terminate. No permit shall be sold, leased, assigned or otherwise transferred or encumbered by the holder thereof without first having secured from the commission an order authorizing the same. The commission shall not authorize any transfer of a permit except pursuant to a finding made by the commission that the permit authorized to be transferred has not lapsed or been terminated by nonexercise as provided in this section. Any such sale, lease, assignment, transfer or encumbrance made otherwise than in accordance with the order of the commission authorizing the same shall be void.

CHAPTER 1024

An act to amend Section 1303 of the Business and Professions Code, relating to clinical laboratory technology.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1303 of the Business and Professions Code is amended to read:

1303. The annual renewal fee set under this chapter shall be paid on or before the first day of January of each calendar year. Failure to pay the annual fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of said license after a period of 60 days from the first day of January of each year.

The board shall give written notice to a licensee 30 days in advance of the regular renewal date and shall give written notice by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid and if not paid before the expiration of the fifth year of delinquency the licensee may be subject to re-examination.

If the renewal fee is not paid for five or more years, the board may require an examination before reinstating the license, except that no examination shall be required as a con-

dition for reinstatement if the original license was issued without an examination. No examination shall be required for reinstatement if the license was forfeited solely by reason of nonpayment of the renewal fee if such nonpayment was for less than five years.

CHAPTER 1025

An act to amend Section 2892 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2892 of the Business and Professions Code is amended to read:

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.

The board shall give written notice to a licensee 30 days in advance of the regular renewal date and shall give written notice by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid and if not paid before the expiration of the fifth year of delinquency the licensee may be subject to re-examination.

If the renewal fee is not paid for five or more years, the board may require an examination before reinstating the license, except that no examination shall be required as a condition for reinstatement if the original license was issued without an examination. No examination shall be required for reinstatement if the license was forfeited solely by reason of nonpayment of the renewal fee if such nonpayment was for less than five years.

CHAPTER 1026

An act to amend Section 432 of the Education Code, relating to the superintendent of schools of a county of the thirty-second class.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 432 of the Education Code is amended to read:

432. The annual salary of the county superintendent of schools of a county of the thirty-second class is ten thousand five hundred dollars ($10,500), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1027

An act to amend Sections 28136 and 28153 of the Government Code, relating to compensation for public service.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28136 of the Government Code is amended to read:

County salaries: Thirty-sixth class

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, six thousand six hundred dollars ($6,600) 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 in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

SEC. 2. Section 28153 of said code is amended to read:

Same Fifty-third class

28153. In a county of the fifty-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, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer. He shall devote his entire time to the duties of his office and

shall not engage in private law practice during his term of office.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and seven cents ($0 07) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2 50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court

---

CHAPTER 1028

An act to amend Section 7 of the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955), relating to the purposes of the Lower San Joaquin Levee District.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Lower San Joaquin Levee District Act (Chapter 1075 of the Statutes of 1955) is amended to read:

Sec. 7. The purposes of the district are to cooperate with and act as liaison between the Corps of Engineers of the United States Army, the Reclamation Board, and the Department of Water Resources in connection with the planning and construction of, and acquisition of property for, the plan of improvement for flood control and other purposes on the lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers, which plan is substantially in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 2, Seventy-eighth Congress, Second Session, adopted and authorized by Section 12651 of the Water Code, or any modification of such plan made pursuant to law, and to give assurances and to effect the local cooperation required by the Secretary of the Army in connection with such plan. Such local cooperation shall consist substantially of the repair, operation, and maintenance of

levees, works, structures, or other facilities in connection with such plan of improvement.

All activities of the district prior to the effective date of the amendment of this section enacted by the Legislature at the 1957 Regular Session in cooperating with and acting as liaison between the Corps of Engineers of the United States Army, the Reclamation Board, and the Department of Water Resources in connection with the planning and construction of, and acquisition of property for, such plan are hereby confirmed, validated, and declared legally effective.

CHAPTER 1029

An act to amend Section 21625 of the Water Code, relating to irrigation district elections.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21625 of the Water Code is amended to read:

21625. Unless the duties imposed by this division with respect to the conduct of district elections of whatever nature are vested in some other officer by this division, such duties shall be performed by the secretary.

CHAPTER 1030

An act to add Section 53205.1 of the Government Code, relating to premium payments by local agencies from public funds.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 53205.1 of the Government Code is hereby added, to read:

53205.1. From funds under its jurisdiction, the legislative body may authorize payment of not more than 50 percent of the premium for group accident and health insurance and medical and hospital service on the spouse and dependent children under the age of 21 of such officers and employees subject to the jurisdiction and for whom group accident and health insurance or a medical and hospital service contract has been procured.

Such expenditures are charges against the funds. If the employer pays any portion of the premiums for such insurance any dividend paid or premiums refunded under any such insurance up to the aggregate expenditures of the employer for

such insurance are the employer's property. The excess, if any, shall be applied by the employer for the benefit of such insured employees or their dependents generally.

CHAPTER 1031

An act to add Section 429.1 to the Fish and Game Code, and add Section 7161 to the Fish and Game Code as proposed by Assembly Bill 616, relating to sporting fishing licenses.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 429.1 is added to the Fish and Game Code, to read:

429.1. A sporting fishing license shall be issued, free of charge, to every blind person who makes application, together with an affidavit attesting to his blindness, to the Department of Fish and Game, Headquarters Office, Sacramento. "Blind person" licensee

"Blind person" for purposes of this section means any person with central visual acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 429.1 of the Fish and Game Code adopted in 1933 is repealed. Effect Stats 1957, Ch 456

CHAPTER 1032

An act to amend Section 15.1, 16, and 18 of the Fish and Game Code, and amend Sections 208, 211, and 217 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to orders of the commission.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 15.1 of the Fish and Game Code is amended to read:

Recommendations re fish, mollusks, etc.

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.

The minutes of the January meeting relating to the legislative district of each Member of the Legislature shall be mailed by first class mail to that Member of the Legislature.

SEC. 2. Section 16 of said code is amended to read:

Recommendations re birds, mammals, etc.

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.

The minutes of the April meeting relating to the legislative district of each Member of the Legislature shall be mailed by first class mail to that Member of the Legislature.

SEC. 3. Section 18 of said code is amended to read:

Publicity

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 in 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 county clerk, district attorney and judge of a municipal court or justice court throughout the State.

NOTE: The sections of the Fish and Game Code affected by this chapter appear in their proper places in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 15.1, 16, and 18 of the Fish and Game Code adopted in 1933, are repealed.

CHAPTER 1033

An act to amend Section 383.5 of the Insurance Code, relating to insurance.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 383.5 of the Insurance Code is amended to read:

383.5. "Document," as used in this section, means a policy or a certificate evidencing insurance under a master policy. Such policy or certificate shall conform to Section 381 and shall segregate the premiums charged for each risk insured against. Such a certificate, in lieu of specifying the risks insured against, may designate them by name or by description. Motor vehicle insurance

"Owner" as used in this section means any person who is named as an insured in such contract of insurance or document, or in a loss payable clause therein, and, whether or not he is named therein, the vendee, pledgor, or chattel mortgagor of a motor vehicle where insurance contracts subject to this section are procured with respect to the motor vehicle by or on behalf of either party to the purchase, pledge, or mortgage.

Every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles shall be embodied in a document.

The original or true copy of such document shall be delivered to each owner. Where it is executed by an insurer, the insurer shall deliver the original or a true copy:

(a) To the agent or broker who negotiated the insurance, for delivery to each owner of the motor vehicle, or

(b) To each owner of the motor vehicle.

Any owner whose interest in the insured vehicle is for security purposes only may by written notice to the insurer waive delivery of such policy and in lieu thereof there shall be delivered to such owner a written certificate of insurance setting forth in brief form the matters specified in Section 381.

The agent or broker receiving such original or copy shall deliver one to each owner. Where coverage subject to this section is evidenced by a document executed by an agent licensed under Article 1, Chapter 5, Part 2, of this division, and not by an insurer, the agent and not the insurer is responsible for delivery of the original or a true copy to each owner.

The licenses of any agent or broker found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 1731, or the certificate of authority of any insurer found by the commissioner after hearing to have violated this section may be suspended or revoked in accordance with the procedure provided in Section 704.

The purpose of this section is to prevent fraud or mistake in connection with the transaction of insurance covering motor vehicles and in furtherance of that purpose the commissioner may make reasonable rules and regulations therefor. Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

CHAPTER 1034

An act to amend Section 6502 of the Business and Professions Code, relating to the Board of Barber Examiners.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6502 of the Business and Professions Code is amended to read:

6502. 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 or until six months shall have elapsed since the expiration of the term for which they were 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.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1941; one member, January 15, 1942; one member, January 15, 1943. 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 shall be filled by appointment for the unexpired term.

The Governor may remove a member for cause.

CHAPTER 1035

An act to amend Section 70012 of the Government Code, relating to court reporters.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 70012 of the Government Code is amended to read:

70012. The regular official phonographic reporters and phonographic reporters pro tempore shall be compensated at the same rate as reporters in counties having a population over 2,000,000.

CHAPTER 1036

An act to add Section 16.1 to, and to amend Sections 2 and 3 of, the Orange County Flood Control District Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 16.1 is added to the Orange County Flood Control District Act (Chapter 723 of the Statutes of 1927), to read:

Sec. 16.1. Whenever a part only of a parcel of land is required by the district for the control or conservation of flood, storm, or other waste waters, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Orange County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or without the district, necessary to the full exercise of its powers.

5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6. 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 may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters, or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ 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.

10. To grant or otherwise convey to counties, cities and counties, cities or towns, easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Orange County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased, or included in community leases embracing adjoining lands, for any purpose (including leases for mining or extracting oil, gas, hydrocarbon substances or other minerals) without interfering with the use of the same for the purposes of said district, and whenever it appears that wells drilled upon private lands are draining or may drain oil, gas or other hydrocarbon substances from lands owned by the district and operations for the production of oil, gas or other hydrocarbons on such land owned by the district might interfere with the use of such land for the purposes of said district, to enter into agreements with the owners or operators of such wells for the

payment of compensation to the district for such drainage in lieu of drilling offset wells upon such land owned by the district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity, or any interest or space therein, except as hereinafter provided by Section 17 of this act; provided, however, that the district may grant to the United States of America, or any agency thereof authorized to accept and pay for such land, such parcels of land as lie within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, is hereby authorized to warrant and guarantee the title of all lands so transferred to the United States under the provisions of this section.

SEC. 3. Section 3 of said act is amended to read:

Sec. 3. The board of supervisors of Orange County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Orange County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Orange, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Orange County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Orange County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Orange County without additional compensation in order to carry out the provisions of this act.

Said board of supervisors may in their discretion employ special counsel and appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Orange.

CHAPTER 1037

An act to add Section 1468.6 to the Fish and Game Code, and to add Section 1354 to the Fish and Game Code, as proposed by Assembly Bill No. 616, relating to authorizing the condemnation of farm lands for the Archibald Lake Public Fishing and Recreation Area.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1468.6 is added to the Fish and Game Code, to read:

Exception

1468 6. The provisions of Section 1468.5 shall not apply to the Archibald Lake Public Fishing and Recreation Area, and farm lands may be acquired by eminent domain proceedings for inclusion in that area.

This section shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature and thereafter shall have no force or effect.

NOTE. The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 1468.6 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 1038

An act to amend Section 375.6 of the Agricultural Code, relating to poultry.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 375.6 of the Agricultural Code is amended to read:

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 in

other than a retail store or public eating house, it must be in a poultry plant licensed as provided herein.

(c) A poultry plant where poultry is slaughtered on the premises where produced and the poultry meat derived thereof (1) is sold by the producer thereof at retail on such premises, or (2) is sold at retail by the producer thereof off of such premises, either direct to consumers at their homes or at a retail stand operated by such producer in a farmers' market, or (3) is sold by the producer thereof, on or off the premises where produced, to retail stores or public eating houses. As used in this subdivision, "producer" includes only individual producers who do not employ, except in unforeseeable exigencies, any person other than members of their immediate families.

(d) A poultry plant where poultry is slaughtered, dressed, and sold on the premises where produced for purposes other than resale, when the entire poultry meat output of the producer is so sold.

CHAPTER 1039

An act to amend Section 11535 of the Business and Professions Code, relating to real estate.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels within any one-year period; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street opening or widening is not required by the governing body in dividing the land into lots or parcels, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of one acre or more, a tentative map of which has been submitted to the governing body and has

been approved by it as to street alignment and widths, drainage provisions and lot design.

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code and conveyances may be made of lots or parcels shown on such map by lot or block number, initial, or such other designation as may be shown on such map.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

CHAPTER 1040

An act to add Section 29610.1 to the Government Code, relating to municipal courts.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 29610.1 is added to the Government Code, to read:

29610.1. When the presiding judge of a municipal court authorizes the attendance of judges serving in the traffic division of the court to attend traffic courses or conferences, the cost of traveling and other actual and necessary expenses incident to such attendance are county charges when they are approved by the board of supervisors.

CHAPTER 1041

An act to add Section 8771.5 to the Business and Professions Code, relating to land surveyors.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8771.5 is added to the Business and Professions Code, to read:

8771.5. When coordinates in the California Coordinate System are shown for points on a record of survey map the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates.

CHAPTER 1042

An act to add Section 14745.7 to the Education Code, relating to school district retirement systems.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14745.7 is added to the Education Code, to read:

14745.7. Retirement allowances which were being paid to retired employees of the unified district under such district's retirement plan when such plan was discontinued under Section 14745, and now are being paid by the State Employees' Retirement System, shall be changed by action of the governing board of such district, effective on the first of the calendar month next following the effective date of this section, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, but otherwise according to the formulae now used, under the State Employees' Retirement System in the calculation of allowances of such district's employees. The increase in such allowances resulting from the change shall be paid monthly to such retired employees by such district, from the reserve fund created as required by subdivision (e) of Section 14745, and such board shall transfer such assets to such fund as may be necessary to meet such payments. No allowance shall be reduced by such change.

CHAPTER 1043

An act to add Section 11161.1 to the Health and Safety Code, relating to prescriptions for narcotics.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11161.1 is added to the Health and Safety Code, to read:

11161.1. A prescription written by an unlicensed person lawfully practicing medicine pursuant to Section 2147.5 of the Business and Professions Code, shall be filled only at a pharmacy maintained in the hospital which employs such unlicensed person.

CHAPTER 1044

An act to amend Sections 428 and 428.5 of the Vehicle Code, relating to liens on vehicles.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 428 of the Vehicle Code is amended to read:

Notice and proceeds of sale

428. Notice of Sale; Disposition of Proceeds. Prior to any such sale said lienholder shall give at least 10 but not more than 20 days' notice of such sale by advertising for one issue in some newspaper of general circulation published in the county in which said property is situated; or if there is no newspaper printed in such county, then by posting notice of sale in three of the most public places in the town or place where such property is to be sold, for 10 days previous to the date of the sale. Prior to the sale of any vehicle to satisfy any such lien, 20 days' notice by registered mail or certified mail shall be given to the legal owner and to the registered owner of said vehicle, if registered in this State, as the same appear in the registration certificate, and also to the department by registered mail or certified mail whether or not such vehicle is registered in this State. The department shall in like manner immediately notify the legal owner and the registered owner of the proposed sale, but failure on the part of said department to give such notice shall not affect the validity of any such sale. All notices required herein shall specify the make and the engine, vehicle identification or license number of the vehicle, and the date, time and place of the sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner, if any, or to the owner if there is no legal owner, or if no legal owner or owner can be located, said remainder shall be deposited with the department for deposit in the Motor Vehicle Fund.

SEC. 2. Section 428.5 of said code is amended to read:

Sale by lien holders

428.5. Sale of Certain Vehicles by Lienholder. Where the vehicle subject to the lien is appraised at a value not exceeding seventy-five dollars ($75) by an officer or employee of the department, the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail or certified mail of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

CHAPTER 1045

An act to add Sections 69505 and 69506 to the Government Code, relating to expenses of judges of the superior court.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69505 is added to the Government Code, to read:

69505. When authorized by the board of supervisors in a city and county, judges of the superior court in such city and county shall be allowed necessary expenses incurred in connection with work done as members of recognized official organizations of which they are members in their official capacity as such judges. Such expenses are a charge against the treasury of the county and shall be paid out of the general fund.

Official organizations

SEC. 2. Section 69506 is added to said code, to read:

69506. When authorized by the board of supervisors in a city and county, judges of the superior court in such city and county shall be allowed necessary expenses incurred in connection with making inspections of state agencies and institutions to which they are authorized to commit persons or to which persons appearing before them may be transferred or assigned. The expenses incurred in making such investigations are a charge against the treasury of the county and shall be paid out of the general fund.

Inspections

CHAPTER 1046

An act to add Section 2019 to the Welfare and Institutions Code, relating to the protection, care, and assistance of children, aged persons, and others specially in need thereof.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2019 is added to the Welfare and Institutions Code, to read:

2019. After advice, instructions given by a representative of a county to an applicant or recipient regarding the sale of real or personal property by the applicant or recipient shall be in writing, and shall indicate the effect of such sale on the eligibility of the applicant or recipient for aid under this chapter.

Nothing in this section is intended to limit the right of the representatives of the county and the recipient, or his representatives, to freely discuss any matters germane to his aid.

CHAPTER 1047

An act to add Section 139.56 to the Vehicle Code, relating to employees of the California Highway Patrol.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 139.56 is added to the Vehicle Code, to read:

139.56. Injury and Disability Records. In the event any dispute arises between the department and any of its members in an industrial disability case, such member or his attorney, upon demand, shall be entitled to examine any record of the department or of the State Compensation Insurance Fund which has any bearing on said case.

CHAPTER 1048

An act to amend Section 13674 of the Education Code, relating to leaves of absence.

In effect September 11, 1957

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13674 of the Education Code is amended to read as follows:

13674. No leave of absence shall be granted to any employee under Section 13673 who has not rendered service to the district for at least seven consecutive years preceding the granting of the leave, and not more than one such leave of absence shall be granted in each seven-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. No absence from the service of the district under a leave of absence, other than a leave of absence granted pursuant to Section 13673, granted by the governing board of the district shall be deemed a break in the continuity of service required by this section, and the period of such absence shall not be included as service in computing the seven consecutive years of service required by this section. Service under a national recognized fellowship or foundation approved by the State Board of Education, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of such absence shall be included in computing the seven consecutive years of service required by this section.

CHAPTER 1049

An act to amend Sections 3, 3.6, 11, 12, and 26.1 of, and to add Sections 6.2, 12.1, 26.2, and 26.3 to, the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) 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 the 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 specific benefit of such zones. The boundaries of such zones may overlap or one zone may be entirely included within the boundaries of another zone.

Proceedings, including a hearing and determination of protests, for the establishment of any zone or any project shall be conducted in the manner prescribed in Section 11 of this act. As an alternative to, or in addition to, the proceedings prescribed in Section 11 of this act for the establishment of any zone or any project, the board of supervisors of the district may submit proposals for the establishment of any zone or any project to the registered voters residing within the zone or the territory of a proposed zone, as the case may be, which election shall be called and held as nearly as practicable in the manner provided in Section 13.

Proceedings for the establishment of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones.

SEC. 2. Section 3.6 of said act is amended to read:

Sec. 3 6. The unincorporated area of a proposed zone shall be excluded if written protests are filed with the board, signed by 50 percent of the registered voters residing in the unincorporated area to be included in the proposed zone, or signed by holders of title to real property or assessable rights therein equal in value to more than one-half of the assessed value of the real property in the unincorporated area of the proposed zone with the determination of who may sign such protests to be made in the same manner as are determinations of who may sign the protests to establishment of zones or projects under Section 11 of this act.

SEC. 4. Section 6 2 is added to said act, to read:

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 the mailing to each of its members of a statement of proposed zone action and request for a report thereon by said zone advisory board. Said report may contain majority and minority opinions. If such report is not made within said 30-day period, the commissioners or the board of supervisors may proceed with the contemplated action notwithstanding the failure to file such report.

SEC. 5. Section 11 of said act is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones and may establish zones. For the purpose of acquiring authority to proceed with any such project or establishment of a zone, the board shall adopt a resolution specifying its intention to undertake such project or zone establishment, together with the engineering estimates of the cost of any project to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or proposed zone. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or territory of a proposed zone or in each of said participating zones. Said notice must designate a public place in such zone or territory of a proposed zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project or zone Upon the hearing, the board may modify the proportionate cost of any project to be borne by each of the participating zones according to the benefits to be derived from the project by the participating zones. Upon the hearing, the

board may modify the boundaries of the proposed zone, as set forth in the resolution of intention to establish the zone, by excluding therefrom any land which would not be benefited by inclusion in the zone; the boundaries shall not be modified to include any land not described in the resolution of intention. At the conclusion of the hearing the board may abandon the proposed project or zone or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project or zone signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated or the territory to be included in the proposed zone, be filed with the board, in which event further proceedings relating to such project or zone must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceedings may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Marin next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone, or proposed zone, or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county except that if the property jointly held is held by husband and wife and occupied by them as a dwelling, if the other spouse consents, the protest may be signed by

either spouse without producing written evidence of the other's consent.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 6. Section 12 of said act is amended to read:

Sec. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation; and

2. To levy ad valorem taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing,

maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. The aggregate of all ad valorem taxes or assessments levied under this act for any one fiscal year shall not exceed one dollar ($1) 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, and exclusive of any tax levied pursuant to subdivision 1 of this Section 12.

4. Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 7. Section 12.1 is added to said act, to read:

Sec. 12.1. 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 Board of Supervisors of Marin County.

(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.

(g) "Right of way" means any parcel of land through which a right of way is acquired by the district for the purpose of constructing and maintaining any facility of the district.

The rights, powers, duties, responsibilities and jurisdiction conferred upon officers and agents of cities by the above specified acts shall be exercised or assumed, as the case may be, by the respective boards, officers and agents of the district. The

improvements authorized to be constructed by these specified acts are restricted to those permitted to be constructed or acquired by Section 5. No assessment or bond hereafter issued or levied pursuant to any of said acts 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 in unincorporated territory and filed in the office of the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory.

SEC. 8. Section 26.1 of said act is amended to read:

Sec. 26.1. Notwithstanding any provisions of this act to the contrary, the withdrawal of all the area lying within the exterior boundaries of any chartered or incorporated city from the district may be effected by the vote of a majority of the qualified electors of said city voting at any regular or special election on the proposition to withdraw the area lying within such city from the district. Said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge. The city council shall cause the results of the election to be certified to the board of supervisors of the district and if a majority of the votes cast on the proposition to withdraw such area from the district are in favor thereof, thereupon the area lying within the exterior boundaries of such city shall no longer be a part of the district; provided, however, that the withdrawal of the area lying within the exterior boundaries of such city from the district shall not release the area so withdrawn from debts and obligations for or upon which it was liable or chargeable at the time such withdrawal was made; provided further, however, that any portion of a city which prior to its withdrawal from the district was included within the boundaries of a flood control zone shall remain subject to taxes for the maintenance of improvements constructed within such zone prior to the withdrawal of the city from the district.

SEC. 9. Section 26.2 is added to said act, to read:

Sec. 26.2. Notwithstanding any provisions of this act to the contrary, the withdrawal of all the unincorporated area lying within the exterior boundaries of any zone may be effected by the vote of a majority of the holders of title to real property or assessable rights (which holders shall be determined from the last equalized assessment rolls) in the area seeking to withdraw at an election on the proposition to withdraw. The election shall be called and conducted by the board of supervisors whenever a petition signed by twenty-five percent (25%) of the holders of title to real property or assessable rights in the area seeking to withdraw is presented to the board of supervisors. The petition shall describe the zone from which withdrawal is sought, and request that an election shall be called and conducted on the proposition to withdraw. The election shall be called and conducted in the same manner as

other special elections in the county. The board of supervisors shall canvass the returns of the election within 30 days after the election, and if a majority of the votes cast are in favor of the proposition to withdraw from the zone, then the board shall so find and declare. Thereupon such unincorporated area shall no longer be a part of the zone; provided, however, that the withdrawal of the area from the zone shall not release the area so withdrawn from debts and obligations for or upon which it was liable or chargeable at the time such withdrawal was made; provided further, however, that the area so withdrawn shall remain subject to taxes for the purpose of maintaining improvements constructed within the zone from which the area is withdrawn prior to such withdrawal.

SEC. 10. Section 26.3 is added to said act, to read:

Sec. 26.3. Dissolution of a zone may be effected in the same manner provided in this act for creation of a zone. Proceedings, including hearing and determination of protests for dissolution of a zone, shall be conducted in the manner prescribed in Section 11 of this act.

CHAPTER 1050

An act to amend Sections 26855.2 and 26855.3 of the Government Code, relating to fees of county clerks.

[Approved by Governor June 10, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 26855.2 of the Government Code is amended to read:

26855.2. The fee for filing a financial statement of an admitted surety insurer is two dollars ($2) but nothing in this section shall be construed to require an admitted surety insurer to file such a statement.

SEC. 2. Section 26855.3 of said code is amended to read:

26855.3. The fee for issuing a certificate pursuant to the third requirement of the second paragraph of Section 1057a of the Code of Civil Procedure is two dollars ($2).

CHAPTER 1051

An act to amend Section 8605 of the Revenue and Taxation Code, and to add Sections 7311 and 9608 thereto, relating to taxation.

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7311 is added to the Revenue and Taxation Code, to read:

"Highway" 7311. "Highway" includes a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

SEC. 2. Section 8605 of the Revenue and Taxation Code is amended to read:

8605. "Highway" includes a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel

A private road is not a highway for the purposes of this part unless it has been dedicated and accepted by the proper public authorities as a public highway. The mere use of a private road by one or more members of the public, with or without the consent of the owner, does not make it a highway.

SEC. 2. Section 9608 is added to said code, to read:

9608. "Highway" includes a way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

CHAPTER 1052

An act to amend Sections 31641.1 and 31641.95 of the Government Code, relating to county retirement systems

In effect September 11, 1957

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.1 of the Government Code is amended to read:

Contributions for prior service 31641.1. A member who was in public service before becoming a member may elect by written notice filed with the board within three years after his entrance into the retirement system, or within three years after this section becomes applicable in the county, whichever is later, to make contributions pursuant to Section 31641.2 and to receive credit in the retirement system for all allowed public service time. Credit for part-time service shall be calculated as provided in Section 31641.5.

SEC. 2. Section 31641.95 of said code is amended to read:

Construction 31641.95. Sections 31470.7, 31478, 31479, 31480, 31641.1, 31641.2, 31641.3, 31641.4, 31641.8, and 31641.9 may only be applicable in any county or district on the first day of the month after the governing board of such county or district adopts, by majority vote, a resolution providing that those sections shall become applicable in such county or district. Such resolution may limit the applicability of such sections to any one or more of the public agencies as defined by Section 31478.

CHAPTER 1053

An act to add Section 219.3 to the Penal Code, relating to dropping objects or missiles from or upon toll bridges.

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 219.3 is added to the Penal Code, to read:

219.3. Any person who wilfully drops or throws any object or missile from any toll bridge is guilty of a misdemeanor.

CHAPTER 1054

An act to add Section 27177.5 to, and to amend Section 27177 of, the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 27177.5 is added to the Streets and Highways Code, to read:

Towing service

27177.5. A towing service may be maintained by a bridge and highway district on each vehicular crossing under its jurisdiction, and said district may furnish such towing and emergency road service as is necessary to permit the orderly flow of traffic upon such crossing and upon district property. The district may prescribe and collect reasonable rates for towing and other services furnished. When any vehicle or object on any vehicular crossing or road under district jurisdiction or upon district property upon which towing service is maintained is stopped for any reason and such vehicle or object is obstructing or may obstruct traffic, the district shall order that such vehicle or object be towed by the towing service either to the nearest property of the bridge and highway district designated for the parking or storing of vehicles, or to a suitable parking location on a public street or highway and thereupon left in the custody of the owner or operator of such vehicle or object, or his agent, or, in the event no such owner, operator, or agent is present, or if such owner, operator, or agent so requests, to a public garage or off-street parking facility. The district may prescribe the limits within which the towing service authorized herein shall be operated. The district may furnish and deliver fuel to vehicles, the supply of which is exhausted, or change tires, and may charge a reasonable sum for the services and materials furnished. If the district deems it safe and advisable and the owner or operator of such vehicle

or object so requests, it may be towed from the vehicular crossing as herein provided.

The towing service maintained by a district pursuant to this section shall be the only towing service authorized to render service to or remove vehicles or objects which become disabled upon vehicular crossings or property under the jurisdiction of the district.

SEC. 2. Section 27177 of said code is amended to read:

California Highway Patrol Authority

27177. The California Highway Patrol shall have the authority and it shall be its duty to provide for proper and adequate policing of all facilities of travel constructed by the district, to insure the enforcement thereon of the Vehicle Code and of any other law relating to the use and operation of vehicles upon highways or vehicular crossings as defined in the Vehicle Code, and of the rules and regulations adopted by the board of directors of the district in respect to facilities of travel and parking areas, and to cooperate with the district, to the end that such facilities of travel and parking areas be operated at all times in such manner as to carry traffic efficiently. Such authority of the California Highway Patrol is exclusive except as to the authority conferred by law upon the district in respect to such facilities of travel or parking areas.

All required accident reports and supplemental reports, and all other reports made to the California Highway Patrol by any peace officer, member of the California Highway Patrol, or other employees of the Department of Motor Vehicles and California Highway Patrol relative to accidents and incidents occurring on property of a bridge and highway district shall be immediately available for the confidential use of such district.

CHAPTER 1055

An act to add Section 170.6 to the Code of Civil Procedure, relating to disqualification of judges.

In effect September 11, 1957

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 170.6 is added to the Code of Civil Procedure, to read:

Disqualification. Prejudice

170.6. (1) No judge of any superior, municipal or justice court of the State of California shall try any civil action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that such judge is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral

or written motion without notice supported by affidavit that the judge before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge. Where the judge assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be.

(3) If such motion is duly presented and such affidavit is duly filed, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge of the court in which the trial or matter is pending or, if there is no other judge of the court in which the trial or matter is pending, the chairman of the judicial council shall assign some other judge to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding, only one motion for each side may be made in any one aetion or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

STATE OF CALIFORNIA }
COUNTY OF } ss.

_____, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That _____ the judge before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge.

_____

Subscribed and sworn to before me this
_____ day of _____, 19___.

(Clerk or Notary Public or other officer administering oath)

(6) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(7) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 1056

An act to amend Section 24502 of the Public Utilities Code, to constitute Chapters 1 to 11, inclusive (commencing with Section 24501), of Division 10 of the Public Utilities Code, Part 1 of that division, to add a heading for that part, to add Part 2 (commencing with Section 28500) to said division, to repeal Chapter 1239 of the Statutes of 1949, except Sections 37.5 and 39 thereof, relating to the San Francisco Bay Area Rapid Transit District.

In effect September 11, 1957

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapters 1 to 11, inclusive (commencing with Section 24501), of Division 10 of the Public Utilities Code shall constitute Part 1 of that division.

SEC. 2. A heading for the Part 1 of Division 10 of the Public Utilities Code created by Section 1 is added, to read:

PART 1. TRANSIT DISTRICTS IN COUNTIES OF ALAMEDA OR CONTRA COSTA

SEC. 2.2. Section 24502 of the Public Utilities Code is amended to read:

24502. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

SEC. 3. Part 2 (commencing with Section 28500) is added to Division 10 of the Public Utilities Code, to read:

PART 2. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

28500. This part is known and may be cited as the "San Francisco Bay Area Rapid Transit District Act." Short title

28501. This part is in furtherance of the declared policy of the State to stimulate the maximum use of the harbor in San Francisco and other trade for the benefit of the entire State. Policy

The geographical situation of San Francisco Bay, which makes it one of the finest harbors in the world, at the same time prevents the full utilization of the harbor by acting as a physical barrier to a system of rapid and effective transportation between the various portions of the metropolitan area surrounding the Bay.

Only a specially created district can freely operate in the eighty-four (84) individual units of county, city and county, and city governments located in this area. Because of the unique problems presented by the area it is necessary that this legislation be applicable solely to such area to insure necessary rapid transit service.

Extensive studies and surveys have been made at considerable cost in public funds to determine whether or not interurban mass rapid transit would be a feasible instrument for reducing existing and future interurban travel problems and for relieving existing and future traffic congestion on freeways, streets and highways. These surveys have produced convincing evidence that the prosperity of the entire Bay area will depend upon the preservation and enhancement of its urban centers and subcenters; and that sustaining these centers and subcenters as concentrations of employment, commerce, and culture, in turn will depend upon providing an adequate, modern, interurban mass rapid transit system.

The studies have also established that to provide a standard of service which will meet the needs of the public, the interurban system must be effectively separated from conflicting traffic either by grade separation of intersecting streets, roads, and highways, or by other equally effective means; and, to the extent practicable, its service must be coordinated with that of other transit facilities in the areas served.

Construction

28502. The part shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this part set forth.

28502.1. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

"District"

28503. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District.

"San Francisco Bay area"

28504. "San Francisco Bay area," as used in this part, means the Counties of San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara and San Mateo.

"Rapid transit"

28505. "Rapid transit," as used in this part, means the transportation of passengers and their incidental baggage by any means.

"Taxable property"

28506. For the purpose of establishing the bonded debt limit of the district, "taxable property," as used in this part, shall not include solvent credits.

"Board of supervisors"

28507. "Board of supervisors," as used in this part, means the board of supervisors of a county in the San Francisco Bay area.

"Board," etc

28508. "Board of directors," "board," or "directors," as used in this part, means the board of directors of the district.

"Public agency"

28509. "Public agency," as used in this part, includes the State of California, and any county, city and county, city, district, or other political subdivision or public entity of, or organized under the laws of, this State.

CHAPTER 2. CREATION OF DISTRICT

District

28600. There is hereby created the San Francisco Bay Area Rapid Transit District, comprising the territory lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo.

Withdrawal

28601. Through compliance with the provisions for withdrawal set forth in Chapter 10 of this part, the territory of any of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo may be withdrawn from the district.

Annexation

28602. Through compliance with the provisions for annexation set forth in Chapter 9 of this part, the territory of all or any of the Counties of Napa, Santa Clara, Solano, or Sonoma may be included within the district.

CHAPTER 3. GOVERNMENT OF DISTRICT

Article 1. City Selection Committees

City selection committee

28700. There shall be a separate and distinct city selection committee for each county within the district. The membership of each such committee shall consist of the mayor of each incorporated city or town within such county, or, where there is no mayor, the chairman or president of the city council of each such city.

28701. A majority of the members of each city selection committee shall constitute a quorum. Quorum

28702. The City and County of San Francisco is both a city and a county for the purpose of this part. San Francisco

28703. The city selection committee of each county shall meet on October 28, 1957, at 10 a.m., in the chambers of the board of supervisors of such county for the purpose of making the first appointments to the board of directors of the district, in accordance with Section 28736. Whenever thereafter a vacancy to be filled by the city selection committee of a county occurs on the board of directors of the district, the city selection committee of that county shall meet within thirty (30) days following the occurrence to appoint a director to fill the vacancy. The chairman of the city selection committee shall determine promptly the time and place of the meeting and shall so inform the county clerk of the county that the committee represents. Whenever there shall not be a quorum present at a meeting of any city selection committee, the meeting shall be adjourned to a subsequent time and place as determined by a majority of the members present. Board of directors

28704. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of the meeting to each member of the city selection committee of such county. The county clerk shall also give reasonable notice to each member of the city selection committee of the time and place of any adjourned meeting. Notice

28705. All meetings of the city selection committee of each county shall be conducted in the presence of the county clerk, or his deputy, who shall act as the recording officer for the meetings. Meetings

The county clerk shall forward the copies of the resolutions and the notices of appointment required to be forwarded by Section 28738 to the Secretary of State and to the secretary of the board of directors of the district. Each resolution and notice shall be signed by the chairman of the committee.

28706. Each committee shall appoint from among its members a chairman and such other officers as may be necessary. Officers

28707. Members of the committee shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties as may be authorized by the board of directors. Expenses

Article 2. District Board of Directors: Creation Membership and Organization

28730. The government of the district shall be vested in a board of directors. Board of directors

28731. All members of the board of directors shall be selected in accordance with this article and each member shall be a resident and registered voter of the county from which appointed. Qualifications

Same: Initial composition

28732. The first board of directors shall be composed of sixteen (16) directors as follows: four (4) representatives of the County of Alameda, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county; four (4) representatives of the County of San Franiesco, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county; three (3) representatives of the County of Contra Costa, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county; three (3) representatives of the County of San Mateo, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county; and two (2) representatives of the County of Marin, one (1) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county.

Same Subsequent composition

28733. Subsequent to the appointment of the first board of directors the number of directors composing the board shall be determined as follows:

(a) Each county within the district having a population of 350,000 or less shall be represented by two (2) directors, one (1) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county;

(b) Each county having a population of more than 350,000 and not more than 600,000 shall be represented by three (3) directors, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county;

(c) Each county having a population of more than 600,000 shall be represented by four (4) directors, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county.

In any case where the number of directors representing a county is thus decreased all directors then in office representing the county shall be permitted to serve out the terms for which they were appointed.

Population

28734. For the purpose of Section 28733, population shall be determined on the basis of the last official United States Decennial Census.

If between official United States censuses the board determines that the population of any county within the district has changed sufficiently to warrant adjustment in the number of directors representing that county, the board may determine the number of directors to represent that county on the basis of population estimates prepared by the State Department of Finance; provided, however, that changes in the number of directors composing the board, if determined on the basis of population estimates, shall not be made more frequently than once each four years.

Date of appointment Board of supervisors

28735. On or before November 15, 1957, the board of supervisors of each county whose territory is within the district shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 28732.

If any county not included within the district on October 28, 1957, thereafter becomes a part of the district, the board of supervisors of the county shall, within thirty (30) days after the county is included within the district, appoint as members of the board of directors of the district the number authorized by Section 28733 to be appointed by it.

Same: City selection committee

28736. On or before November 15, 1957, the city selection committee of each county within the district shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 28732.

If any county not included within the district on October 28, 1957, thereafter becomes a part of the district, the city selection committee of the county shall, within thirty (30) days after the county is included within the district, appoint as members of the board of directors of the district the number authorized by Section 28733 to be appointed by it.

Term

28737. The directors shall be appointed for a term of four (4) years from and after their appointment and until their respective successors shall be duly appointed and qualified; provided that the members of the first board shall classify themselves by lot so that five (5) of the directors shall hold office for two (2) years, five (5) of the directors shall hold office for three (3) years, and six (6) of the directors shall hold office for four (4) years, at the end of which terms their successors shall be appointed. The city selection committee or board of supervisors that originally appointed a director whose term has expired shall appoint his successor for a full four (4) year term.

Appointment by resolution

28738. Each director appointed by a board of supervisors shall be appointed by a resolution adopted by that board.

Each director appointed by a city selection committee shall be appointed by a resolution adopted by that committee.

Certified copies of all resolution adopted pursuant to this section, together with notices of appointments made thereby, shall be forwarded without delay to the Secretary of State and to the secretary of the district.

Vacancy

28739. Any vacancy in the board of directors shall be filled for the unexpired term by appointment by the body which originally made the appointment to the office in which the vacancy exists, in the manner provided in this part.

Salaried office

28740. Except as provided in Section 28761 of this part, no person serving as a director shall be eligible for appointment to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one (1) year after he has ceased to be a director.

Compensation

28741. Each director shall be paid the sum of fifty dollars ($50) for each district meeting that he attends, but he shall not be paid more than two hundred fifty dollars ($250) in any

one calendar month. Each director shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the board of directors.

Initial meeting

28742. Within ten (10) days after the Secretary of State has received certified copies of the resolutions appointing a majority of the directors, he shall call the first meeting of the board of directors at an appropriate time within twenty (20) days thereafter. The meeting shall be held in any city within the district designated by the Secretary of State.

Article 3. Powers and Duties of Directors

Oath of office

28760. Each director, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution and laws of this State. A copy of the oath shall be filed with the secretary of the district and the Secretary of State.

Officers

28761. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a secretary, who shall not be a member of the board, and shall provide for the time and place of holding its meetings which shall be held at least once each month. The president shall be paid a salary of five thousand dollars ($5,000) per year. The vice president shall be paid a salary of three thousand dollars ($3,000) per year. Such salaries shall be in addition to any payments authorized under Section 28741 of this part.

Powers and duties

28762. The board of directors is the legislative body of the district and, consistent with the provisions of this part, shall determine all questions of district policy.

28763. The district may do any and all things necessary to carry out the purposes of this part.

28764. The board shall determine what transit facilities should be acquired or constructed, and may establish zones within the district to undertake the acquisition or construction of any transit facilities.

28765. The board may determine what transit facilities should be acquired or constructed:

(a) For the common benefit of the district as a whole; or

(b) For the benefit of two or more zones; or

(c) For the benefit of a single zone

28766 The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges, and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

28767 The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution deter-

mine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

28768. The board of directors may contract for or employ any professional services required by the district or for the performance of work or services for the district which, in the board of director's opinion, cannot satisfactorily be performed by the officers or employees of the district.

28769. The board shall have an annual audit made of all books and accounts of the district by an independent certified public accountant or public accountant.

28770. As soon as practicable after the close of each fiscal year the board of directors shall submit to the chief administrative officer and legislative bodies of cities and counties within the district a financial report showing the result of operations during the preceding fiscal year and the financial status of the district on the final day thereof. Copies of the report shall be supplied to the general public upon request in the quantity deemed appropriate by the board.

28771. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

28772 To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board

28773. The board of directors may hold public hearings, subpena witnesses, and perform all other acts necessary to properly carry out its duties. The board may delegate such authority to other officers of the district who shall report thereon to the board.

28774. Each director may administer oaths and affirmations in any district investigation or proceeding.

Article 4. Meetings and Legislation

28790. All meetings of the board of directors, whether regular or special, shall be open to the public. Public meetings

28791. A majority of the board of directors shall constitute a quorum for the transaction of its business. Quorum

28792. The board of directors shall adopt rules to govern its proceedings. Rules

Procedure

28793. The acts of the board shall be expressed by motion, resolution, ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three (3) days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. No ordinance shall take effect until the expiration of thirty (30) days following its adoption, except the following which shall take effect upon adoption: an ordinance relating to an election, or to the issuance or sale of bonds, or to the levying or collection of taxes, or the fixing of fares; or an ordinance necessary for the immediate preservation or protection of the property, interests, or welfare of the district, which shall contain a specific statement showing its urgency, and which shall be passed by two-thirds of the total vote of the directors. All ordinances except those which take effect upon their adoption shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

Ordinances

28794. All ordinances shall be published after passage.

Enacting clause

28795. The enacting clause of all ordinances shall be as follows: "Be it enacted by the Board of Directors of the San Francisco Bay Area Rapid Transit District:"

Form

28796. All ordinances shall be signed by the president or the vice president of the board, and attested by the secretary.

Article 5. Officers

Officers

28810. The officers of the district shall consist of the members of the board of directors; a president and a vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, an auditor, and such other or subordinate officers, assistants, and deputies as the board may deem necessary and provide for by ordinance or resolution.

The general counsel shall be a person admitted to practice law in the Supreme Court of California and shall have been actively engaged in the practice of law for not less than ten (10) years next preceding his appointment.

The person appointed auditor shall have been actively engaged in the practice of accounting for not less than seven (7) years next preceding his appointment.

Appointment and removal

28811. The secretary, general manager, general counsel, treasurer, and auditor shall be appointed by and may be removed by the affirmative votes of a majority of the members of the board of directors. All other officers and employees shall be appointed by the general manager and shall serve at his pleasure, subject to the provisions of this part relating to personnel.

Compensation

28812. The compensation of all district officers and employees, except as otherwise provided in this part, shall be fixed by ordinance or resolution of the directors.

28813. The board may consolidate any of the district offices in one person. Office consolidation

28814. The oath of office of all officers appointed by the board of directors or by the general manager of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than fifteen (15) days after the commencement of his term of office. No other filing is required. Oath of office

28815. Each officer shall give such bond and in such amount as the board may require. Bond

28816. No officer or employee of the district shall become financially interested, except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the district is a party. No officer or employee shall be deemed to be financially interested by virtue of his ownership of less than three (3) percent of the outstanding capital stock of a corporation. Financial interests

No officer or employee shall offer, solicit, or accept money or any other thing of value as a consideration, in addition to the salary paid him by the district, for services performed within the scope of his official duties.

No person shall offer money or any thing of value for and in consideration of obtaining an appointment or employment with the district.

No officer or employee of the district shall offer money or any thing of value for and in consideration of obtaining a promotion in his employment with the district.

A wilful violation of any of the foregoing provisions is a misdemeanor.

Any contract or agreement made in contravention of this section is void.

28817. The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the president or vice president of the board, or other person authorized by the board so to do, and by the secretary or general manager. He shall keep an account of all receipts and disbursements. Treasurer

28818. With the consent of the board, the treasurer may:

(a) Authorize the trust department of any state or national bank in this State, or a trust company authorized to act as such in this State, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit 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, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000,000). The treasurer shall take from the trust department or trust company a receipt for the securities, and neither the treasurer nor the district is responsible for the custody and safe return

of the securities until they are withdrawn from the trust department or trust company by the treasurer. Any trust department or trust company to which securities are delivered, either as agent or depositary for the treasurer, shall make such disposition of the securities as the treasurer directs and is responsible only for strict compliance with written instructions given to it by the treasurer. All such securities are at all times subject to the order of the treasurer.

Treasurer and auditor: Appointment

28819. The district shall designate the treasurer and the auditor or controller of one of the counties comprising the district as treasurer and auditor or controller for the district and the treasury of that county shall be designated the depositary for district funds until a bonded indebtedness is authorized. Subsequent to the time a bonded indebtedness is authorized the treasurer and auditor shall be appointed pursuant to Section 28811, and the depositary for district funds shall be designated pursuant to Section 28818.

Article 6. General Manager

General manager

28830. The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district and also of the administration of the business affairs of the district.

Qualifications

28831. All other things being equal, the general manager shall be chosen on the basis of his qualifications with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as hereinafter set forth.

Residence

28832. The general manager need not be a resident of this State at the time of his appointment.

Removal

28833. The general manager shall hold office for an indefinite term and may be removed by the board only upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

Powers and duties

28834. The powers and duties of the general manager are:

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board and the applicable provisions of this part.

(e) To prepare and submit to the board as soon as practical after the end of each fiscal year a complete report of the finances and administrative activities of the district for the preceding year.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

(j) To cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district.

28835. The general manager shall attend meetings of the board and be entitled to participate in the deliberations of the board, but shall not have a vote as to any matter before the board.

28836. The directors may appoint a general manager pro tempore during any absence or disability of the general manager.

CHAPTER 4. LABOR PROVISIONS

Labor organization

28850. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 28851 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, upon the agreement of both, the board and the representatives of the employees may submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the fifth member shall be desig-

nated by the Secretary of the Judicial Council and shall be a person experienced in labor arbitrations. The expenses of such impartial arbitrator shall be provided half by the district and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

Public hearing

28851. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing and may, by decision, establish the boundaries of any collective bargaining unit and provide for an election to determine the question of representation. Provided, however, any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later.

Employees of acquired utility

28852. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

Same Pension plan

28853. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system; provided, however, that the outstanding obligations and liabilities of such public utility by reason of such pension plan have been considered and taken into account and allowance made for in the purchase price of such public utility.

28854. The persons entitled to pension benefits as provided for in Section 28853 and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

28855. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district.

CHAPTER 5. RETIREMENT SYSTEM

Article 1. Establishment

Retirement system

28870. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

Method

28871. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

Actuarial report

28872. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

Initiation, maintenance, etc

28873. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system.

State Employees' Retirement System

28874. Nothing in this chapter prevents the district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act pursuant to Chapter 8 (commencing at Section 13775) of Part 3 of Division 3 of Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation.

Classification

28875. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time to time. Membership of all officers and employees so classified and included in the retirement system is compulsory.

Article 2. Benefits and Contributions

Terms and conditions

28890. The board may prescribe the terms and conditions upon which the officers and employees of the district or their

beneficiaries shall be entitled to benefits and the amounts thereof.

"Prior service"

28891. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service."

Contribution

28892. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

Collection

28893. All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages, or compensation due such members.

Liabilities

28894. Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interest, shall be met by contributions by the district. Prior service or other liabilities of the district may be met by annual appropriations instead of by appropriation for the total of the liabilities; but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district.

Withdrawal

28895. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

Exemption from execution, attachment, etc.

28896. All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable.

Article 3. Retirement Board

Retirement board

28910. The board shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

Compensation

28911. All members of the retirement board shall serve without pay.

Determination of eligibility

28912. The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability. The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion.

Funds

28913. If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this State upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this State or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this State.

Chapter 6. Powers and Functions of District

Article 1. Corporate Power

Seal

28950. The district has perpetual succession and may adopt a seal and alter it at pleasure.

Suit

28951. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

28952. The district may levy, and collect or cause to be collected, taxes for any lawful purpose, as provided in Chapter 7 of this part.

Eminent domain

28953. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the

district in condemnation proceedings. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, 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 in public use shall be taken by the district except 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.

Same Resolution

28954. Whenever the district shall determine to exercise the right of eminent domain, it shall adopt a resolution declaring that the public interest and necessity require the acquisition of any described real property or right or interest therein. Such resolution, if adopted by a vote of two-thirds of the members of the board of directors, shall be conclusive evidence of the following:

(a) The public necessity of such acquisition.

(b) That such property, rights, or interests are, and that the acquisition of the fee or other interest therein is, necessary therefor.

(c) That such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and cause the least private injury.

Same Public utility

28955. The Public Utilities Commission of the State shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the district. The district may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

Reservation or grant

28956. The district is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to the State or any agency or political subdivision thereof or any public corporation to construct or maintain roads, highways or other crossings over any public or private lands.

Merger or consolidation

28957. The district may be merged into or consolidated with any other public agency which may be established by law upon such terms as the board of directors shall specify in a resolution to be submitted to the electors of the district for approval in the manner provided in Sections 29540 to 29545, inclusive, of this part insofar as possible. The resolution authorizing consolidation or merger shall not take effect unless and until a majority of the votes cast are in favor of the proposed merger or consolidation. In the event of merger or consolidation, the surviving entity or the consolidated entity shall succeed to all the powers, duties, purposes, responsibilities, liabilities, and jurisdiction now or hereafter vested by law in the district.

28958. Prior to the time the district incurs a bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Articles 1 to 4, inclusive (commencing at Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Budgetary control

Article 2. Contracts

28970. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part. Contracts

28971. The district may contract with any department or agency of the United States of America or of the State of California or with any public or private corporation upon such terms and conditions as the directors find is for the best interests of the district. Public or private organizations

28972. Neither the general manager nor any 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. Any violation of this provision is a misdemeanor, and conviction shall work a forfeiture of office. This section has no application to contracts awarded to corporations in which such officer owns less than three (3) percent of the entire capital stock. Interest in contract

28973. The district may insure against any accident to or destruction of the system or any part thereof. Insurance Accident

28974. The district may insure against loss of revenues from any cause whatsoever. Same Loss of revenue

28975. The district may insure against public liability or property damage, or both. It may provide in the proceedings authorizing the issuance of any bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon. Same: Liability or property damage

Article 3. Purchases

28990. The purchase of all supplies, equipment and materials, and the construction of facilities and works, when the expenditure required exceeds three thousand dollars ($3,000), 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 ten (10) days before bids are received. The board may reject any and all bids and readvertise in its discretion. Bids

28991. If after rejecting bids the board determines and declares by a two-thirds vote of all its members that in its opinion the supplies, equipment and materials may be pur- Purchase on open market

chased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids, or notice.

Public calamity

28992. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a two-thirds vote 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 proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

Acquisition

29010. The district may take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do.

Records, books, etc.

29011. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Rapid Transit Facilities and Service

Rapid transit system

29030. The district may provide a rapid transit system for the transportation of passengers and their incidental baggage.

Acquisition, etc.

29031. The district may acquire, construct, own, operate, control or use rights of way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets, highways, bridges, or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the use or joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing at Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

29032. The district may lease or contract for the use of its facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation. Lease or contract

29033. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the State, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the State. Construction, operation, etc

29034. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements. Agreements

29035. The district may operate such feeder bus lines and other feeder services as necessary. Feeder services

29036. The board of directors shall refer for recommendation the plans of routes, rights of way, terminals, stations, yards and related facilities and improvements to the city councils and boards of supervisors within whose jurisdiction said facilities and improvements lie and to such other state, regional and local agencies and commissions as may be deemed appropriate by the board of directors. The board of directors shall give due consideration to all recommendations submitted. Routes, etc

29037. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency. City transit facilities

29038. The rates and charges for service furnished pursuant to this part shall be fixed by a two-thirds vote of the board and shall be reasonable. Insofar as practicable, such rates shall be fixed so as to result in revenue which will: Rates and charges

(a) Pay the operating expenses of the district;

(b) Provide for repairs, maintenance, and depreciation of works owned or operated by the district; and

(c) Provide a sinking fund for the purchase of rolling stock.

29039. The board of supervisors of a county or a city and county, or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for Hearing

fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

Notice

29040. Upon the filing of a request for hearing as provided in Section 29039 the district board shall fix the time and place for hearing. The time fixed shall not be less than fifteen (15) days nor more than sixty (60) days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

Intervention

29041. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

Evidence

29042. The district, petitioner or petitioners, and the intervenors shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination; and to rebut evidence introduced by other parties.

Same

29043. Oral evidence shall be taken only on oath or affirmation. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious business affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

Record

29044. A complete record of all proceedings and testimony before the board at such hearing shall be taken down by a reporter appointed by the board. In case an action is brought to review any decision of the board, a transcript of such testimony, together with all exhibits or copies thereof introduced, together with the written request for hearing and other proceedings in the cause shall constitute the record on review; provided, however, that the board and other parties may stipulate in writing that a specified portion of the evidence be certified to the court for judgment and in such case the portion of the evidence specified and the stipulation specifying such evidence shall be the record on review.

Decision

29045. Within thirty (30) days after submission of the case the board shall render its decision in writing together with written findings of fact. Copies of the findings and decision shall be sent forthwith to the petitioners and intervenors by registered mail, postage prepaid.

Writ of mandate

29046. Within forty (40) days after the mailing of the decision to the petitioner, the petitioner may apply for a writ

of mandate in the manner provided in the Code of Civil Procedure. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the district and shall be delivered to the petitioner within thirty (30) days after a request therefor, upon payment of the expense of preparation and certification thereof.

Safety requirements

29047. The district shall be subject to regulations of the Public Utilities Commission relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public.

The commission shall enforce the provisions of this article.

Article 6. Claims for Personal Injury or Property Damage

Claim for damages

29060. Whenever it is claimed that any person has been injured or damaged or that any property has been taken, injured, damaged or destroyed 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 verified claim for damages shall be presented in writing and filed with the secretary within ninety (90) days after the accident, injury, taking, damage or destruction has occurred.

Contents

29061. Each claim filed pursuant to Section 29060 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 damages claimed.

Condition precedent

29062. Compliance with Sections 29060 and 29061 is a condition precedent to the filing or maintaining of any action for injury or damages.

Article 7. Indebtedness

Loans

29080. The district may accept, subject to the procedures and limitations provided in Chapter 8 of this part, contributions or loans from the United States, or any department, instrumentality, or agency thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, or any department, instrumentality, or agency thereof, in the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any

federal legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Public agency aid

29081. The district may cooperate with and enter into agreements with the State of California or any public agency for the acquisition, construction, completion, maintenance, operation, or repair, joint or otherwise, and in whole or in part, of transit facilities. In connection with any such cooperation or contract, the State or any public agency may make public contributions to the district as in the judgment of the Legislature, or the governing board of the agency, are necessary or proper for its undertaking, and the district may reimburse the State or public agency for any such advance or contribution from the proceeds of the sale of bonds or any other funds available to the district, except that any agreement requiring reimbursement of contributions or advances by obligating the district to incur an indebtedness will be subject to the procedures and limitations provided in Chapter 8 of this part. The State or any public agency may also authorize, aid and assist the district to carry out any activity which the State or public agency is by law authorized to perform and carry out on its own behalf.

Article 8. Investments

Surplus money: Investment

29100. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds.

(e) In any investment in which county funds may be placed pursuant to the general laws of the State of California.

Direct purchase

29101. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

Reinvestment

29102. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

Sale

29103. Sales of any bonds, treasury notes, or obligations purchased and held by the district 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, treasury

notes, or obligations were originally purchased was placed in the treasury of the district.

CHAPTER 7. TAXATION

Taxes

29120. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

Annual levy and collection

29121. The board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the general obligation bonds of the district are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one (1) year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

Same interest, principal, etc

29122. The taxes required to be levied and collected on account of interest, principal, and sinking fund of general obligation bonds of the district shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of the bonds and accruing interest.

Tax rate

29123. The tax rate for taxes levied in any fiscal year for all district purposes other than taxes levied pursuant to Section 29121, shall not exceed five cents ($0 05) on each one hundred dollars ($100) of assessed valuation of taxable property within the district, except the tax rate for the first year of levy may include an additional amount sufficient to repay temporary borrowing incurred pursuant to Article 5 of Chapter 8 of this part. Taxes levied pursuant to this section for maintenance and operation of rapid transit facilities shall be supplementary to the revenues derived from such facilities and shall be limited to actual requirements.

County assessment and collection

29124. All assessments shall be made for the district by the State Board of Equalization and the county assessors, and all taxes shall be collected for the district by the tax collectors, of the counties in which the district is situated.

29125. Each county auditor shall, on or before 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 as equalized.

Designation of rate

29126. The board shall, on or before 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, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

Transmission

29127. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditors of the counties in which the district is situated a statement of the rate of taxes fixed by the board.

Procedure

29128. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes. The district may adopt the alternative procedure of tax collection and apportionment established by Chapter 3 (commencing at Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code and any amendments thereof; provided, however, that the district may thereafter abandon said alternative procedure at the end of any fiscal year of the district.

Tax sale

29129. Whenever any real property situate in any district which has availed itself of the provisions of Section 29124 has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurers receiving it in the proportion which the tax due to the district bears to the total tax for which the property was sold.

Compensation

29130. The compensation to be charged by and paid to any county for the performance of services under this chapter shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county salary fund.

Lien

29131. All taxes levied under this part are a lien on the property on which they are levied. Unless the board has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made applicable to this part, so far as consistent therewith.

Chapter 8. Bonds and Other Evidences of Indebtedness

Article 1. Authorization of General Obligation Bonds

Bonds

29150 The district may borrow money, incur a bonded indebtedness in respect thereto, and levy taxes for the payment of principal and interest thereon, in the manner provided in

Chapter 7 of this part, but no such bonded debt shall exceed fifteen (15) percent of the assessed valuation of taxable property within the district.

Determination

29151. Before submitting a proposal to incur any bonded indebtedness, the district shall employ such engineers, economists, fiscal experts and others as is necessary to develop general plans, estimates and general specifications pertaining to the projects for which the bond issue is proposed, sufficient in the opinion of the board to enable the board to determine the feasibility of such projects.

Report

29152. Such engineers, economists, fiscal experts and others shall make reports to the district, which shall include:

(a) A general description of the facilities to be acquired or constructed from the proceeds of the proposed bond issue.

(b) The estimated total cost of constructing or acquiring, or both, such facilities.

(c) The estimated period of construction of such facilities.

(d) An estimate of the revenues which may be expected to be derived therefrom.

(e) The amount of bonds which will be required to pay the estimated total cost and to pay interest on the bonds during the estimated period of construction, and for three years thereafter, or less.

(f) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

Determination of board

29153. After receiving such reports, the board shall determine and declare by resolution whether or not the proposed plan of work is feasible and whether or not the project, as set forth in said reports, is necessary, 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 such amount, sufficient shall be included to cover the cost of inspection of works in course of construction. Such determination by the board shall constitute a conclusive determination that the reports then on file with the board are adequate and sufficient to enable the board to make the determination as set forth in such resolution.

Approval Board of supervisors

29154. After adoption by the board of the reports made pursuant to Section 29152 the board shall refer such reports to the boards of supervisors of the counties comprising the district for their approval.

Public hearing

29155. After receiving such reports, each board of supervisors shall fix a time and place for a public hearing to consider such reports. The time fixed for the hearing shall not be less than thirty (30) days nor more than sixty (60) days from the date such reports were received from the board.

29156. Within fifteen (15) days from the date of the public hearing held pursuant to Section 29155, each board of supervisors shall, by a resolution adopted by a majority vote of the

board of supervisors, determine whether it approves the reports and shall file an executed copy of the resolution with the secretary of the district.

Additional studies

29157. In the event a majority of any board of supervisors does not approve the reports, the district may make additional studies and changes and may refer the amended reports to the board of supervisors of the counties comprising the district in order to obtain unanimous approval from the counties comprising the district. If no agreement is reached within a period of six (6) months following the date the original reports were received from the board, any county not approving the reports may withdraw from the district under provisions of Chapter 10 of this part. Failure of a county to withdraw from the district within thirty (30) days following such six-month period shall have the same effect as approval by the board of supervisors of such county of the reports as last amended.

Withdrawal from district

Special election

29158. When the district has received unanimous approval from the boards of supervisors of the counties comprising the district, the board shall call a special election and submit to the qualified voters of the district the proposition of incurring a bonded indebtedness for the acquisition, construction and completion of rapid transit facilities by the district and all other works, property, or structures necessary or convenient therefor and for the purpose of carrying out the provisions of this part.

Resolution

29159. The resolution calling the special election shall contain:

(a) A statement of the general object and purpose of incurring the indebtedness.

(b) Statement of the estimated cost of the proposed work and improvements.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum term, which shall not exceed fifty (50) years, that the bonds proposed to be issued shall run before maturity.

(e) The maximum rate of interest to be paid on said indebtedness, which shall not exceed six (6) percent per annum.

(f) A statement that interest, to be paid upon such bonds during the estimated period of construction of the works of the district and for three years thereafter, or less, shall be a capital charge, and shall be payable out of the principal sum realized from the sale of bonds.

(g) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

(h) The date on which the special bond election will be held, the hours during the day which the polls will be open, and the manner of voting for and against the incurring of such indebtedness; provided, however, the district shall have no power or authority, within six (6) months after an election

at which a proposition submitted to the qualified electors of the district failed to receive the requisite number of votes as provided in Section 29168, to call or order another election for incurring any indebtedness for purposes substantially the same as voted upon at such prior election. If the special bond election is consolidated with any other election, the hours during which the polls shall be kept open in each county shall be the same as those provided for the election with which the election called pursuant to this part is consolidated and reference to that effect in the resolution shall be sufficient without specifying the particular hours.

Repayment of appropriation

29160. The provisions of Section 37.5 of Chapter 1239 of the Statutes of 1949, the San Francisco Bay Area Metropolitan Rapid Transit District Act, relating to the repayment of appropriations made to the San Francisco Bay Area Rapid Transit Commission from the proceeds of the first sale of bonds issued by the district created by that act, shall apply to and be binding upon the San Francisco Bay Area Rapid Transit District.

Separate or consolidated election

29161. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this part, may be held separately, or may be consolidated with any other election authorized by law, at which the qualified voters of any county, city and county, or city are entitled to vote. However, in the event any such election called pursuant to this part is consolidated with any other election, as provided by Chapter 4 (commencing at Section 10050), Part 2, Division 11 of the Elections Code, the provisions of this part setting forth the procedure for the calling of the election called pursuant to this part shall be complied with, except that the resolution calling such election need not set forth the election precincts or polling places, or the officers of election which shall be the same as those set forth in the ordinance, order, resolution, notice, or other proceeding calling or providing for, or listing or designating the precincts, polling places, and election officers for the election with which the election called pursuant to this part is consolidated, and shall refer to such election or to the ordinance, order, resolution, notice, or other proceeding calling, providing for or giving notice of such election and which sets forth such precincts, polling places, and election officers. Such reference may be made by giving the number or title or date of adoption of such ordinance, resolution or order or to the date or proposed date of any publication of such notice and the name of the newspaper or proposed newspaper in which the notice has been or will be published or by any other definite description. Whenever a bond election called pursuant to this part is consolidated with a state-wide general election held in the district, references to such general election shall be sufficient for all purposes of this part.

Separate election

29162. Whenever a special bond election is called pursuant to this part and is not consolidated with any other election the board shall in its resolution calling such special bond election, in addition to all other matters required to be set forth therein:

(a) Specify the precincts or consolidated precincts in each county or portion of a county which are adopted for the purposes of the election and designate the location of the polling places, provided that one or more polling places may be established within the same precinct and separate ballot boxes and separate officers of election provided for each group of electors, which group shall be determined by alphabetical designations and divided into groups as nearly equal in number as practicable.

(b) Specify the names of the officers selected to conduct the election, who shall consist of at least one inspector and two judges in each precinct, but not in excess of six election officers for each polling place.

Consolidated election

Whenever the special bond election called pursuant to this part is consolidated in whole or in part with any other election, the precincts, polling places and election officers need not be set forth in the resolution calling the special bond election except only to the extent that any precinct, polling place and election officers established for the special bond election differ or are in addition to those established for the election with which the special bond election called pursuant to this part is consolidated.

Publication of notice

29163. Notice of a special bond election shall be given by publication of the text of the resolution calling the election and except as provided below the text thereof shall be published once a week in each calendar week for two successive calendar weeks at any time prior to the election (the first publication of which shall be not less than twenty (20) days nor more than ninety (90) days prior to the date fixed for the election) in at least one newspaper of general circulation and in not more than three newspapers, designated by the board, which are printed and published in each county within the district. That portion of the resolution constituting notice of election as published in each county shall contain only the reference to the precincts, polling places, and election officers in the county or portion of the county in which it is published, and it shall not be necessary to publish any portion of the resolution setting forth the precincts, polling places or election officers in any other county. Except for the omission in any county of the reference to the precinct, polling place and election officers in any other county, the text of the resolution as published in each county to constitute notice of said election shall be the resolution in form as adopted by the board. To each resolution published in each county there shall be set forth a notice substantially as follows:

"NOTICE OF ELECTION

NOTICE is hereby given to the qualified electors of the San Francisco Bay Area Rapid Transit District that the Board of Directors has duly adopted a resolution calling a special bond election within the District which is set forth in full below, except only for the omission of the designation of the precinct, polling place and officers of election in any county or portion of a county in which such election is to be held except only the designation of such election details as the same pertain to the county or portion of a county in which the attached resolution is published, which election details are set forth in the following text of the resolution."

If there is no newspaper published in any county within the district, the notice shall be posted in three public places in such county.

Expenses

29164. All the expenses of holding the election shall be borne by the district, except when the election is consolidated with another election pursuant to Chapter 4 (commencing at Section 10050), Part 2, Division 11 of the Elections Code in which case the expense borne by the district shall be that agreed upon by the district and the other governing body or bodies calling the election.

Irregularity, omission, etc

29165 No error, irregularity or omission in the calling, holding or conducting of any special bond election which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of the district are authorized to be issued shall invalidate the election or any bonds authorized thereat

Election results

29166. The returns of the election shall be made and the votes shall be canvassed by the county clerk in each county contained in the district, within thirty (30) days after holding of the election, and the county clerks, respectively, shall certify the result of the election in each county, respectively, to the board of the district.

In the event that the election is consolidated with any other election, the returns of the election, the method of canvassing, and the results thereof shall be designated and declared in accordance with Chapter 4 (commencing at Section 10050), Part 2, Division 11 of the Elections Code.

Voter qualifications

29167. At any special bond election called pursuant to this part, all residents of the district who are qualified electors possessing the qualifications prescribed by the general election laws of the State of California shall be entitled to vote thereat. All special bond elections shall be held and conducted as nearly as practicable in accordance with the general laws of the State of California, including provisions with respect to voting by absent voters, but the requirements as to the form of ballots need not apply except to the extent adopted by the board. Whether a resident of the district is a qualified elector within

the district shall be conclusively determined by the last great register of voters of the county or portion of the county in which the election is held. Except when the special bond election is consolidated with any other election, the board shall designate the hours during which the polls shall be kept open. The polls shall not be opened before 7 a.m. nor kept open later than 8 p m. and shall be kept open for not less than four hours.

Alternative indebtedness

29168. At any special bond election two or more propositions for incurring indebtedness may be submitted at the same election in which event the votes cast for and against each proposition shall be counted separately, and whenever two-thirds of the qualified electors voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted.

Article 2. Form and Terms of General Obligation Bonds

Resolution

29169. Whenever two-thirds of the votes cast at any special bond election or on any proposition submitted thereat are in favor of incurring the indebtedness set forth in such proposition, the board may by resolution at any time it deems proper, or from time to time, provide for the authorization and issuance of the bonds not exceeding the amount authorized at such election.

Issuance

29170. Bonds may be issued in form payable to bearer, with coupons attached for payment of interest and, if so issued, may be made subject to registration. Bonds issued in bearer form shall constitute negotiable instruments for all purposes under the laws of the State of California. The district may appoint a registration agent which may be a bank or trust company and authorize such registration agent to maintain books of registry and to register, authenticate and exchange bonds on such terms and conditions and pursuant to such rules and regulations as the district may provide. The district 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 district may determine.

Coupon bonds

29171. Coupon bonds may be issued in such denomination as the district 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).

Registered bonds

29172. Registered bonds may be issued without limitation as to principal amount, as may be determined by the district, except that registered bonds shall be in denominations of one thousand dollars ($1.000) or multiples thereof.

Interest

29173. Bonds shall bear interest at a rate of not to exceed 6 percent per annum, payable semiannually, except that interest for the first year or any fraction thereof may be paid in one installment.

Redemption

29174. The district may provide for redemption of bonds prior to maturity, on such notice and at such time or times and with such redemption provisions, including premiums, as the district may determine, provided that no redemption premium shall be in excess of 6 percent of the principal amount of the bonds to be redeemed. No bond is subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call and the redemption price are expressly stated on the face of the bond. When bonds have been validly called for redemption and payment of the principal thereof, and the interest thereon accrued to the date of redemption, together with the redemption premium, if any, shall have been made or provided for, interest thereon shall cease.

Place of payment

29175. The district may provide for the payment of the principal and interest of bonds at any place within the State of California, or at any other place within the United States, which the district may designate. The place of payment shall be specified in the bonds and payment shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

Dates

29176. Bonds shall bear dates prescribed by the district.

Special or sinking fund

29177. Bonds may be serial or sinking fund bonds, or in part serially and in part sinking fund bonds, with such maturities and in such amounts annually, semiannually or otherwise, as the district may determine at the time of authorizing the issuance thereof.

Maturity

29178. No bond by its terms shall mature in more than fifty (50) years from its own date, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity herein authorized shall be calculated from the date on the face of each bond, separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Series

29179. The district may divide any authorized issue into one or more series or division and fix different dates and different maturity dates for the bonds of each series or division.

Form

29180. The district may prescribe the form of such bonds, and of the interest coupons attached thereto. Bonds shall be signed by the president of the board (or such other member of the board as the board shall by resolution designate) and countersigned by the secretary of the district and the seal of the district shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of said district. The signature on all coupons and one signature on the bonds may be engraved, lithographed, or printed facsimile signature. The seal of the district may be affixed to any bond by mechanical reproduction of a facsimile thereof. In case any officer whose signature or countersignature appearing on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and

sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

Interim bonds

29181. Pending the actual issuance or delivery of bonds, the district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definitive bonds when ready for delivery.

Interest payment

29182. The district may provide that interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project, for the acquisition, construction, or completion of which bonds have been issued, and for a period of not to exceed three years thereafter, as determined by the district.

Payment by taxes

29183. The district shall provide for the payment of the principal of and interest on the bonds by the levy and collection of taxes upon all property in the district subject to taxation by the district without limitation of rate or amount as provided in Sections 29121 and 29122 of this part, except that such taxes need not be levied to the extent that the district deposits in the treasury set apart for that purpose moneys derived from surplus revenues or any appropriations which may be made to it for that purpose or from any other funds howsoever derived.

Legal investments

29184. Any general obligation bonds which shall be issued under the provisions of this part shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be 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 general obligation bonds issued under this part, and whenever bonds of cities, cities and counties, counties, school districts, or irrigation districts within this State may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this part may be so used The provisions of this part shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

Tax exemption

29185. All bonds issued by the district under the provisions of this part, and the interest thereon, are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance and estate taxes.

Validation proceedings

29186. Prior to the issuance of any bonds, the district may commence a special proceeding to determine the right to issue the bonds and their validity. Such proceedings shall be instituted and prosecuted in accordance with Article 2 (commencing at Section 22670), Chapter 4, Part 5, Division 11 of the Water Code, and these sections apply to and govern all such proceedings instituted under this part. Such proceeding is a

proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

Unwarranted action

29187. Any person who, without probable cause, institutes in any court, state or federal, any action or proceeding contesting the validity of the issuance or sale by the district of any bonds authorized by this part, and who does not prevail in such action or proceeding, shall be liable in damages to the district, in an amount which will compensate the district for all the detriment proximately caused thereby, or which, in the ordinary cause of things, would be likely to result therefrom. He shall also be liable for the costs and attorney's fees paid or incurred in the defense of the action or proceeding No proceeding of a kind described in this section shall be instituted following the expiration of six months from and after the date of the election authorizing the issuance of the bonds involved.

Article 3. Issuance and Sale of General Obligation Bonds

Resolution

29200. The district may by resolution at any time, or from time to time, provide for the authorization and issuance of any bonds authorized pursuant to this part and for the sale of the whole or any part thereof.

Notice by publication

29201. Before making a sale of any of the bonds, notice shall be given by publication once a week, for two weeks, in a newspaper of general circulation in the district, if there is one, and no sale shall be held prior to the expiration of 15 days from the first publication of the notice. Copies of such advertisement may be published in any newspaper or financial publication in the United States and copies may be mailed to recognized investment dealers, banks, investing institutions and statistical organizations, together with any related material pertaining to the district and its bonds, but no defect in any such additional publication or failure to mail or failure of any person to receive copies of any such materials so mailed shall affect the validity of the sale.

Contents

29202. The published notice of sale shall describe the bonds and set forth the terms and conditions of sale, including the following:

(a) It shall state that sealed proposals for the bonds to be sold will be received, opened publicly at the time and place stated in the notice of sale, and not before, and shall be publicly announced.

(b) It shall invite bidders to name the rate or rates of interest to be borne by the bonds, which rate or rates shall be stated in multiples of one-eighth or one-tenth of 1 per centum, but in no event exceed 6 per centum per annum, payable as provided in the notice of sale. Bidders may be permitted to bid different rates of interest and to split rates irrespective of the maturities of said bonds, within such limitations as the notice of sale may provide.

(c) It shall state that the bonds will not be sold for less than the par value of such bonds, and accrued interest at the stated rate or rates thereon to date of payment of the purchase price.

(d) It shall state that the bonds will be awarded to the highest responsible bidder or bidders considering the interest rate or rates specified and the premium offered, if any. The highest bid will be determined by deducting the amount of the premium bid (if any) from the total amount of interest which the district would be required to pay from the date of said bonds to the respective maturity dates thereof at the coupon rate or rates specified in the bid and the award will be made on the basis of the lowest net interest cost to the district. The lowest net interest cost shall be computed on a 360-day year basis.

(e) It shall require all bidders to deposit a certified or cashier's check, drawn on a bank or trust company transacting business in the State of California, payable to the order of the district treasurer, in an amount up to, but not exceeding, 2 per centum of the par value of the bonds proposed to be sold, to partially secure the district from any loss resulting from the failure of the bidder to comply with the term of his bid. The specific amount of the good faith deposit required of all bidders will be stated in the notice of sale. The good faith deposits of unsuccessful bidders will be returned by mail or personal delivery at the time of making the award to the successful bidder. No interest will be paid upon deposit made by the successful bidder.

(f) It shall state that the district shall reject any and all bids which do not comply with the terms of the notice. Any bidder whose bid has been rejected by reason of any irregularity or informality or other defect in the bid shall be disqualified from purchasing the bonds offered pursuant to the notice of sale at any subsequent private sale of the same bonds.

(g) It shall state that if no bids are received, or if the highest bid received is not satisfactory as to price, the district may reject all bids received, if any, and either readvertise or sell the bonds at private sale. However, if the bonds are to be sold at private sale, they may not be sold at a price lower than the highest bid received at public sale. Bidders whose bids have been rejected at public sale because of irregularity or informality in their bids will not be permitted to bid at private sale.

(h) It shall state that the district will take action awarding the bonds or rejecting all bids not later than 24 hours after expiration of the time prescribed in the notice for receipt of proposals, provided that the award may be made after the expiration of the specified time, if the bidder shall not have given the district notice in writing of the withdrawal of such proposal.

(i) It shall state that delivery of bonds will be made to the successful bidder at a designated office as soon as the bonds can be prepared (but not prior to the date of the

bonds). The district may also provide for delivery of bonds at such place or places, anywhere in the United States, as may be specified in the notice of sale and for receipt and transmittal of purchase price in cash or bank credits in the form of certified Federal Reserve Bank funds. The cost of printing, engraving, or lithographing the bonds will be borne by the district.

(j) It shall provide that the successful bidder shall have the right, at his option, to cancel the contract of purchase if the bonds are not tendered for delivery within 60 days from the date of sale thereof, and in such event the successful bidder shall be entitled to the return of the deposit accompanying his bid.

(k) It shall provide that if prior to the delivery of the bonds the income received by private holders from bonds of the same type and character shall be declared to be taxable under any federal income tax laws, either by the term of such laws or by ruling of a federal income tax authority or official, which is followed by the Internal Revenue Service or by decision of any federal court, the successful bidder may at his option prior to the tender of said bonds by the district, be relieved of his obligation under the contract to purchase the bonds and in such case the deposit accompanying his bid will be returned.

(l) It shall state that there is no controversy or litigation pending or threatened concerning the validity of the bonds to be sold, the corporate existence of said district, or the title of the officers to their respective offices, and the district will deliver to the successful bidder a no-litigation certificate certifying to the foregoing as of and at the same time of delivery of the bonds.

(m) It shall state that a legal opinion from a nationally recognized firm of municipal bond attorneys, approving the validity of bonds in all respects, will be furnished to the successful bidder without charge.

Article 4. Refunding Bonds

29210 The district may provide for the funding or refunding of outstanding general obligation indebtedness pursuant to this article, if any of the following conditions exist: Conditions

(a) The district has indebtedness evidenced by bonds, notes, or other evidences of indebtedness, which according to their terms are subject to call or payment before maturity.

(b) The district has filed a petition under any bankruptcy law of the United States and refunding of its indebtedness is authorized in the bankruptcy proceedings.

(c) The holder or holders of outstanding indebtedness has consented to exchange such outstanding bonds for refunding bonds bearing a lower rate of interest than such outstanding bonds.

Refund indebtedness

29211. The district by a two-thirds vote of the board may fund or refund its general obligation indebtedness at, after, or before maturity and issue refunding bonds of the district to refund the indebtedness evidenced by such outstanding securities.

Issuance and sale

29212. Refunding general obligations may be issued and may be sold in accordance with the provisions set forth in Articles 2 and 3 of this chapter, except that no election need be called or held for the purpose of authorizing the issuance of refunding bonds and such refunding bonds may be sold and the proceeds thereof applied to the redemption of bonds of indebtedness or may be exchanged at not less than their par value for the evidences of indebtedness to be refunded.

Effect

29213. Refunding bonds issued pursuant to this article will have the same weight and force and may be used in the same manner as the bonds to be refunded.

Proceeds

29214. The proceeds of any sale of refunding bonds for cash shall be deposited with the treasurer or depositary, as determined by the district, to the credit of the Funding Fund, and applied only to refunding the indebtedness for which the bonds are issued

Surplus proceeds

29215. Any proceeds of the refunding bonds remaining after the indebtedness has been paid shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for the purpose of paying such principal or interest as it matures.

Taxes

29216. At the time of making the general tax levy after incurring the bonded indebtedness and annually thereafter until the refunding bonds are 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 the bonds as they become due, the district shall levy and collect a tax sufficient to pay the interest on the bonds and such part of the principal as will become due before the proceeds of the next general tax levy will be available.

Maturity

29217. If the earliest maturity of the refunding bonds is more than one year after the date of issuance, the board shall levy and collect annually a tax sufficient to pay the interest as it falls due and to constitute a sinking fund for payment of the principal on or before maturity.

Tax proceeds

29218. The taxes shall be levied and collected as other district taxes, and are in addition to all other taxes. They shall be used only for the payment of the bonds and interest thereon.

Principal amount

29219. Refunding bonds may be issued in a principal amount sufficient to provide funds for (a) the payment of the principal of and interest on the bonds, notes or other evidences of indebtedness to be refunded; (b) all expenses incidental to the calling, retirement or payment of the outstanding bonds, notes or other evidences of indebtedness and the issuance of refunding bonds including the difference in amount between the par value of the refunding bonds and any amount less than par; (c) any amount necessary to be made available for

the payment of interest upon the refunding bonds from the date of their delivery to the date of maturity or payment of the bonds, notes or other evidences of indebtedness to be refunded out of the proceeds of sale or the date upon which the bonds, notes or evidences of indebtedness to be refunded will be paid pursuant to call and redemption thereof or pursuant to any agreement with the holders thereof for the refunding or exchanging of such bonds, notes or other evidences of indebtedness; and (d) the premium if any necessary to be paid in order to call and retire the outstanding bonds, notes or other evidences of indebtedness to be refunded. Refunding bonds may be exchanged at not less than their par value and accrued interest for outstanding bonds, notes or other evidences of indebtedness to be refunded thereby.

Redemption

29220. When sufficient money is in the Funding Fund to redeem one or more outstanding past due bonds, notes or other evidences of indebtedness, or to redeem one or more of the outstanding bonds, notes or other evidences of indebtedness, which are subject to call or payment before maturity, and which are proposed to be funded or refunded, the treasurer shall publish a notice that he is prepared to pay the bond, note or other evidence of indebtedness (giving its number, if any). The notice shall be published once a week for two weeks in a newspaper of general circulation in the district, if there is one. Copies of such advertisement may be published in any newspaper or financial publication in the United States. If the bond, note or other evidence of indebtedness to be called for redemption or refunded is not presented for redemption on or before the date specified for redemption, as set forth on the face of such outstanding bond, note or other evidence of indebtedness, interest thereon shall cease.

Notice of redemption

29221. At the same time, the treasurer shall deposit in the post office a copy of the notice, enclosed in a sealed envelope, postage prepaid, addressed to the registered owner of any such bond, note, or other evidence of indebtedness, registered pursuant to this part, whose address appears upon the record in the treasurer's office. If the bond, note, or other evidence of indebtedness is not presented within the time specified in the notice, the interest upon it ceases and the amount due shall be set aside for the payment when presented.

Cancellation

29222. When any outstanding bonds, notes or other evidence of indebtedness are surrendered and paid, the treasurer shall cancel them by endorsing on their faces the amount for which they are received, "Canceled," and the date of cancellation.

Record

29223. The treasurer shall keep a record of bonds, notes, or other evidences of indebtedness redeemed, and report the redemption to the board. The report shall be made at least once a month, and shall be accompanied by the bonds, notes, or other evidence of indebtedness which have been taken up and canceled.

Surplus money

29224. Any money remaining in the Funding Fund, after all outstanding bonds, warrants, judgments, notes, or other evidences of indebtedness proposed to be refunded have been taken up and canceled, shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for paying such principal or interest as they mature.

Refunding

29225. Refunding of revenue bonds of the district may be accomplished in the manner provided by the Revenue Bond Law of 1941, all of the provisions of which are hereby made applicable to the district.

Article 5. Temporary Borrowing

Interim borrowing

29230. The district may borrow money for the purpose of defraying general administrative and preliminary expenses of the district, lawfully incurred, prior to the time moneys to be raised by the first tax levy for the district are available, a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and to evidence such borrowing by notes bearing interest at a rate not to exceed six (6) per centum per annum. The notes shall be payable from the first tax levy made by the district and the tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes their issuance and sale, will be governed by the applicable provisions referred to in Section 29233. The maturity of said notes shall not exceed two (2) years.

County loan

29231. 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 the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of county funds.

29232. The treasurers of the counties within the district shall pay into the treasury of the district all funds held by them to the credit of the district.

Alternate method

29233. The district may borrow money in accordance with the provisions of Article 7 (commencing at Section 53820), Chapter 4, Part 1, Division 2, Title 5 of the Government Code, and these sections apply to and govern all such proceedings instituted under this part.

Article 6. Revenue Bonds

Revenue bonds

29240. As an alternative procedure for the raising of funds, the district is hereby authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941, all of the provisions of which are hereby made applicable to the district. No bonds shall be issued pursuant to this article if there are general obligation bonds

outstanding which require taxation under the provisions of Section 29121.

Local agency

29241. The district is hereby declared to be a local agency within the meaning of the Revenue Bond Law of 1941. The term "enterprise" as used in the Revenue Bond Law of 1941 shall for all purposes of this part include rapid transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district under this part. The district may issue revenue bonds under such law for any one or more facilities or enterprises authorized to be acquired, constructed or completed by the district, or in the alternative, may issue revenue bonds under such law for the acquisition, construction and completion of any one of such facilities and also issue bonds payable from assessments in accordance with the procedure provided by this part for any other of such facilities. Nothing in this part contained shall prevent the district from availing itself of, or making use of, any procedure provided hereunder for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all such proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

Article 7. Equipment Trust Certificates

Equipment purchase Trust certificate

29250. The district shall have power to purchase equipment such as cars, trolley busses and motor busses, rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the rapid transit business appropriate to effect such purchase and leasing of rolling equipment and may dispose of such equipment trust certificates upon such terms and conditions as the board may deem appropriate. All money required to be paid by the district under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue or income to be derived from the transportation system and from grants and loans as provided in Section 29083 of this part. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from such revenue or income, and title to such equipment shall not vest in the district until the equipment trust certificates are paid.

Sale, lease, etc.

29251. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the State of California as trustee, lessor or vendor for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously therewith execute and

deliver an installment purchase agreement or a lease of the equipment to the district.

Acknowledgment

29252. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions authorized in Article 5 of this part, which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the rapid transit system.

Contents

29253. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

Notice

29254. An executed copy of each such agreement and lease shall be filed in the Office of the Secretary of State, who will be entitled to receive one dollar ($1) for each such copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "owner and lessor" or "owner and vendor," as the case may be.

Article 8. Special Assessment Bonds

Special assessment proceedings

29260. In addition to all other powers granted under this part, the district shall have the right to acquire, construct and complete any improvements authorized hereunder by special assessment proceedings. The Improvement Act of 1911 and the Improvement Bond Act of 1915 are applicable to the district and the powers and duties conferred by those acts upon the boards, officers and agents of the district; provided, that the improvements authorized to be constructed or acquired by this section are limited to those permitted to be constructed or acquired by the district under the provisions of this part.

Exceptions

29261. An assessment district formed or proposed to be formed under this part, on the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.

29262. An assessment district formed or proposed to be formed under this part, on the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Article 9. Reissuance of Bonds, Notes, Coupon or Other Evidence of Indebtedness, Lost, Destroyed, Defaced or Mutilated

Reissuance. Loss, etc.

29270. If lost or completely destroyed, any bond, note, coupon or other evidence of indebtedness may be reissued in the form and tenor of the lost or destroyed bond, note, coupon, or other evidence of indebtedness, upon the owner furnishing to the satisfaction of the district:

(a) Proof of ownership

(b) Proof of loss or destruction

(c) A surety bond in twice the face amount of the bond, note, coupon, or other evidence of indebtedness, and attached coupons, and

(d) Payment of the cost of preparing and issuing the new bond, note, coupon, or other evidence of indebtedness.

Same: Destruction, etc.

29271. If defaced, mutilated, or partially destroyed, any bond, note, coupon, or other evidence of indebtedness may be reissued in the form and tenor of the defaced or partially destroyed bond, note, coupon, or other evidence of indebtedness, to the bearer, or if registered, to the registered holder, at his expense, on surrender of the defaced or partially destroyed bond, note, coupon, or other evidence of indebtedness, and on such other conditions as the resolution authorizing the reissuance may provide.

Article 10. Past Due Bonds

Endorsement

29280. When a bond, note, interest coupon, or other evidence of indebtedness payable from funds in the custody of the treasurer of the district is presented to him for payment and is not paid for want of funds, he shall endorse upon it "Not paid for want of funds," the date of presentation, and a serial number indicating the order of presentation, and shall sign or stamp his name thereon.

Notice

29281. Upon receipt of the first money in the treasury applicable to their payment, the treasurer shall set apart the amount necessary to pay the past due bonds, notes, coupons or other evidence of indebtedness that have been registered for want of funds. He shall give notice by registered mail to the owner or holder of the registered bonds, notes, coupons, and other evidences of indebtedness, at the address last filed, stating that he is ready to pay for them. The bonds, notes, coupons and other evidences of indebtedness shall be paid from such money, in the order of their registration.

Payment

29282. If the registered bonds, notes, coupons, and other evidences of indebtedness are not presented for payment within 30 days from mailing of the notice, the treasurer shall apply the fund set aside to the payment of the unpaid registered bonds, notes, coupons, and other evidences of indebtedness next in order, until all registered bonds, notes, coupons, and other evidences of indebtedness have been called.

CHAPTER 9. ANNEXATION OF COUNTIES

Article 1. Annexation Agreement

Annexation

29500. Any county not included within the boundaries of the district, including a county which has withdrawn from the district pursuant to Chapter 10 of this part, may be annexed thereto in the manner provided in this chapter.

Agreement. Contents

29501. The board of supervisors of the county proposed to be annexed shall agree in writing with the board of directors of the district upon the terms and conditions of annexation, which agreement (among other things) may provide for the levy and collection of special taxes within the county in addition to the taxes elsewhere in this part provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the county.

Reimbursement

29502. As a condition of annexation, the district shall require any county seeking to annex to the district to reimburse the district for the county's equitable share of the previously incurred cost of financing capital expenditures within the district theretofore imposed by taxation on territory within the district. The amount of reimbursement due from such county shall be computed on the following basis: one-half in the proportion that the population of the county bears to the total population of the district and one-half in the proportion that the assessed value of the real estate of the county bears to the total assessed value of the real estate of the district. Determinations of population shall be made by the district on the latest official information available to it. Determinations by the district as to the amount of capital expenditures shall be conclusive in each case.

Alternative method petition

29503. As an alternative method of annexation, a petition may be presented to the board of supervisors of a county proposed to be annexed, signed by qualified electors of the county, in number to at least ten (10) percent of the total vote cast at the last general election within the county. The petition shall contain statements and declarations setting forth the reason for annexation. Such petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The clerk of the board of supervisors of such county shall compare the signatures with the affidavits of registration and certify to the board of supervisors the sufficiency or insufficiency of such petition. If found and certified by the clerk as being sufficient, such petition shall have all the force and effect of a resolution adopted by the board of supervisors of such county.

Election

29504. Upon receipt of a petition pursuant to Section 29503, the board of supervisors shall communicate with the

board and negotiate an annexation agreement and hold an election as provided in this part.

Article 2. Approval by District

District ordinance

29520. The agreement shall become effective and be binding upon the district and the county when approved in the manner set forth in this chapter. The board of directors of the district shall by ordinance setting forth the agreement at length declare its intention of causing it to be executed by the district.

Hearing

29521. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in the district. The time fixed for the hearing shall be not less than thirty (30) nor more than sixty (60) days from the date of the publication of the ordinance.

Objections

29522. At the hearing any person interested may file with the board of directors of the district written objections to the execution of the agreement.

29523. Upon the hearing the board of directors of the district shall determine whether or not the agreement will be carried into execution and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed execution of the agreement to show cause in writing pursuant to Section 29522, constitutes an assent on his part to a change in the boundaries of the district and to the execution of the agreement.

Adjournment

29524. Any hearing on the agreement may be adjourned from time to time by the board of directors of the district without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

Approval

29525. If no protests are filed or if the protests filed are overruled and denied, the board of directors of the district shall thereupon by resolution finally approve the agreement and authorize its execution, which shall become effective when executed by the county, duly authorized in the manner provided in this chapter.

Filing

29526. When executed by the district the agreement shall be dated and an executed copy filed with the secretary of the district. An executed copy shall also be filed with the clerk of the county to be annexed.

Article 3. Approval by County

County approval

29540. At any time after the board of directors of the district has finally approved the agreement of annexation the board of supervisors of the county to be annexed shall cause an election to be held in the county to determine whether the county will be annexed to the district upon the terms and conditions stated in the agreement.

Election

29541. Notice of election shall be published once a week for two successive weeks (two publications) in a newspaper of general circulation published within the district, and shall either state that a copy of the annexation agreement is on file in the office of the clerk of the county proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the board of supervisors calling the election.

Ballots

29542. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Shall the County of _____ be annexed to San Francisco Bay Area Rapid Transit District in accordance with and subject to all the terms and conditions of an agreement of annexation dated _____ now on file in the office of the Clerk of _____County?	YES	
	NO	

Canvass

29543. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions of the agreement of annexation shall be deemed carried and approved by the voters.

Disapproval

29544. If the proposition fails to carry, the result shall be entered upon the minutes of the board of supervisors of the county.

Approval

29545. If the proposition receives the vote of the requisite majority of voters, the board of supervisors of the county shall enter in its minutes an order declaring the result of the election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers.

Article 4. Establishment of Annexation

Resolution declaring annexation

29560. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the county proposed to be annexed the board of directors of the district shall pass a resolution declaring the county annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the annexation of the county to the district is complete.

Article 5. Effect of Annexation

Effect

29570. From and after the date of annexation the board of directors of the district shall levy upon all of the property in the county annexed such taxes, tolls, or charges as are neces-

sary to provide funds for the payment of the indebtedness assumed by the county or otherwise necessary to comply with the terms and conditions of the annexation agreement, all in addition to the general district taxes authorized elsewhere in this part to be levied and collected.

Article 6. Contest of Annexation

Limitation of action

29580. The validity of any proceedings for the annexation of any county to the district shall not be contested in any action unless the action is brought within three (3) months after the completion of the proceedings.

Chapter 10. Withdrawal From District

Withdrawal

29650. Any county, the board of supervisors of which does not approve the reports of the board of directors of the district submitted pursuant to Section 29154 or 29157, may be withdrawn from the district

Resolution

29651. Withdrawal from the district shall be by a resolution adopted by a majority vote of the board of supervisors.

29652. The withdrawal of any county from the district pursuant to this chapter shall not be effective until the resolution of withdrawal adopted by the board of supervisors is filed with the board of directors of the district.

Financial obligations

29653 The withdrawal of a county pursuant to this chapter does not invalidate any taxes or assessments levied or assessed against any property in the county prior to withdrawal, nor relieve such property of any other financial obligation or debt of the district incurred prior to withdrawal.

Reannexation

29654. Any county which is withdrawn from the district pursuant to this chapter may be subsequently annexed thereto on compliance with the provisions of Chapter 9 of this part

Chapter 11. Dissolution

Dissolution

29750. If district bonds for the acquisition or construction of rapid transit facilities have not been voted by the electors within five (5) years of the creation of the district, the board of directors may call an election for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least twenty-five (25) percent of the total vote cast in the district for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that the question of dissolution of the district be submitted to the voters of the disrict, the board shall call such an election.

Election

29751. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within sixty (60) days

next succeeding the date on which it is ordered by the board or on which the petition is filed.

Publication of notice

29752. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than thirty (30) days from the date of the first publication of the notice.

Instructions

29753. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the San Francisco Bay Area Rapid Transit District be dissolved	YES	
	NO	

Notice and ballots

29754. No other notice of the election other than that provided for in this article need be given and no sample ballots need be sent to the voters.

Disapproval

29755. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were in favor of the dissolution, the dissolution shall be deemed carried and approved by the voters. The board shall meet on Monday next succeeding the election and canvass the votes cast.

Approval

29756. If a majority of the qualified electors voting at said election vote in favor of such dissolution, the board of directors shall, by resolution entered upon its minutes, declare the district dissolved. A certified copy of said resolution shall be filed with the county and city and county recorders and with the Secretary of State and also with the county and city and county assessors and the State Board of Equalization. Upon the adoption of said resolution, said district shall be dissolved. The board of directors, if dissolution is voted, shall wind up the affairs of the district and pay all indebtedness thereof, and any moneys remaining thereafter shall be paid over to the counties, city and county and cities, in which the district lies, in proportion to the assessed valuation of taxable property in said city and county and cities and in the unincorporated area of the counties included in the district, as shown by the assessment rolls of the city and county and counties last equalized at the date of such dissolution.

Subsequent election

29757. In the event that the proposition for dissolution fails to carry, no subsequent election for the dissolution of the district shall be called until after the expiration of one year from the date of the prior election.

Repeal

SEC. 4. Chapter 1239 of the Statutes of 1949 is repealed except Sections 37.5 and 39 thereof.

Severability

SEC. 5. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining

portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1057

An act to amend Section 2104 of, and to add Article 2.5 (commencing with Section 2125) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to chiropody and creating the Chiropody Examining Committee and prescribing its powers and duties.

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2104 of the Business and Professions Code is amended to read:

2104. The Governor has power to remove from office any member of the board or member of any examining committee appointed under this chapter for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct. Removal from office

SEC. 2. Article 2.5 (commencing with Section 2125) is added to Chapter 5, Division 2 of said code, to read:

Article 2.5. Chiropody Examining Committee

2125. There is hereby created within the jurisdiction of the Board of Medical Examiners of the State of California, a Chiropody Examining Committee, hereafter referred to as the examining committee. Examining committee

2126. The examining committee shall consist of five members appointed by the Governor. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California. Membership

Within 40 days after this article becomes effective, the Governor shall appoint the members of the first examining committee from chiropodists qualified under the provisions of this article. Appointment

Each subsequent appointment to the examining committee shall be made by the Governor after giving consideration to recommendations of the said Board of Medical Examiners, from chiropodists likewise qualified under the provisions of this article.

2127. Members of the examining committee shall be appointed from persons having all of the following qualifications: Qualifications

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of chiropody

(c) Have a valid certificate to practice chiropody in this State.

(d) Have engaged in the practice of chiropody in this State for at least five years next preceding his appointment.

(e) Shall not be an officer or faculty member of any college, school or institution engaged in chiropodical instruction.

Terms and vacancies

2128. The terms of the members of the examining committee first appointed shall expire as follows: one member on January 15, 1958; one member on January 15, 1959; one member on January 15, 1960; and two members on January 15, 1961. Thereafter, all members of the committee shall be appointed for terms of four years. Vacancies shall immediately be filled by the Governor after giving consideration to recommendations of the said Board of Medical Examiners, for the unexpired portion of the terms in which they occur. No person shall serve as a member of the board for more than two consecutive terms.

Examination

2129. The examining committee shall examine every applicant for a chiropody certificate at the time and place designated by the board in its discretion, but at least once in each year.

Investigation

2130. The examining committee shall have full authority to investigate each and every applicant applying for a certificate to practice chiropody and to recommend to the board the admission of the applicant to the examination, or for the issuance of a license, in conformance with the provisions and qualifications required by this chapter.

Compensation

2131. Each member of the examining committee shall receive the sum of twenty dollars ($20) 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 1058

An act to add Section 11181.3 to the Education Code, relating to special books for blind pupils of the public schools.

In effect September 11, 1957

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11181.3 is added to the Education Code, to read:

11181.3. The State Board of Education shall provide adopted textbooks in Braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less. For such purpose, the board may acquire such textbooks in any manner allowed by Section 11181. Any cost of providing

elementary school pupils with such books shall be paid from amounts appropriated to the Department of Education for the publishing, purchasing, and shipping of free textbooks.

CHAPTER 1059

An act to add Sections 26906 1 and 29120.3 to the Government Code, relating to counties.

[Approved by Governor June 11, 1957. Filed with Secretary of State June 11, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 26906 1 is added to the Government Code, to read:

26906.1. The county auditor, with the approval of the board of supervisors, may impound the disputed revenues of any tax upon secured or unsecured property, levied and collected by the county for the county or any revenue district, whenever, pursuant to Chapter 5 (commencing with Section 5096), 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. The county auditor shall 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 against such property, the auditor shall release such revenues to the county or revenue district, and he shall thereupon notify immediately, in writing, the State Controller of such disposition.

Disputed revenues Impounding

SEC. 2. Section 29120.3 is added to said code, to read:

29120.3. In addition to any allowance for tax delinquency, in fixing the tax rate the board may make an allowance for such disputed revenues as it anticipates will be impounded pursuant to Section 26906.1.

Same: Allowance

CHAPTER 1060

An act to amend Section 75025 of the Government Code, relating to judges' retirement.

[Approved by Governor June 12, 1957. Filed with Secretary of State June 12, 1957]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 75025 of the Government Code is amended to read:

75025. Every judge who has the age and service qualifications specified in one of the following subdivisions, and who is not ineligible for retirement under Section 75026, shall be retired for service upon filing notice of retirement with the

Judge's retirement

Secretary of State, specifying the date upon which his retirement is to become effective:

(a) Age 70, with an aggregate of 10 years of service as a judge within the 15 years immediately preceding the effective date of retirement.

(b) Age 69, with an aggregate of 12 years of service as a judge within the 16 years immediately preceding the effective date of retirement.

(c) Age 68, with an aggregate of 14 years of service as a judge within the 18 years immediately preceding the effective date of retirement.

(d) Age 67, with an aggregate of 16 years of service as a judge within the 20 years immediately preceding the effective date of retirement.

(e) Age 66, with an aggregate of 18 years of service as a judge within the 22 years immediately preceding the effective date of retirement.

(f) Age 65, with an aggregate of 20 years of service as a judge within the 24 years immediately preceding the effective date of retirement.

(g) Age 70, with an aggregate of 20 years of service as a judge, the last five years of which has been served immediately preceding the effective date of retirement.

(h) Age 60, with an aggregate of 20 years of service as a judge.

Upon the effective date of the retirement of any such judge, the judicial office from which he has retired shall become vacant, and a successor shall thereupon be appointed to fill the vacancy.

CHAPTER 1061

An act to amend Section 71600 of the Government Code, relating to justice courts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 12, 1957. Filed with Secretary of State June 12, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 71600 of the Government Code is amended to read:

71600. The board of supervisors shall regulate the compensation of the judges and constables of justice courts, and prescribe the number, qualifications, and compensation of such clerks, deputies, and other attaches of justice courts as public convenience requires, notwithstanding the provisions of any charter. In any chartered county all such matters shall be regulated in the manner, if any, set forth in the charter

with respect to township officers and employees, but the board of supervisors may increase the salary of any constable or judge of a justice court to compensate for increase of duties or living costs, notwithstanding the provisions of any charter.

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 population of many judicial districts is constantly and rapidly rising; the cost of living is also steadily rising. Both are expected to continue to rise. Within a six-year term of a judge or constable of a justice court, his original compensation often becomes unjust or inadequate. Many such salaries in chartered counties are presently in this condition, yet their increase can be accomplished only by the slow and uncertain process of charter amendment. In order to permit boards of supervisors to give immediate relief where it is needed, it is necessary that this act take effect immediately

---

CHAPTER 1062

An act to add Section 100.9 to the Streets and Highways Code, relating to highway route signs.

[Approved by Governor June 12, 1957. Filed with Secretary of State June 12, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 100.9 is added to the Streets and Highways Code, to read:

100.9. When any state highway is relocated in such a manner as to bypass a city or business district, the department shall erect and maintain appropriate directional signs, at the junction of the bypass and the road leading into such city or business district, and at a reasonable distance in advance of such junction, for the guidance of traffic desiring to enter the city or business district. Upon relinquishment of the bypassed highway to the county or city concerned, the signs previously erected on such highway shall be left in place by the department and thereafter shall be maintained by such county or city. When relinquishing any such bypassed highway, the department shall direct the attention of the county or city concerned to the provisions of this section regarding continued maintenance of such signs by the county or city.

CHAPTER 1063

An act to add Sections 20580.1 and 20580.2 to the Government Code, relating to the State Employees' Retirement System and the inclusion therein of certain employees of the Public School System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 12, 1957. Filed with Secretary of State June 12, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20580.1 is added to the Government Code, to read:

Contract amendment

20580.1. The board and the county superintendent of schools, upon the request of any school district in the county which is a contracting agency, shall amend the contract entered into under this chapter to include the employees of such district. The request for such amendment shall be made in the manner provided for approval of contracts except that an election among employees shall not be required. Any amendments under this section shall be effective on the first day of the fiscal year next succeeding that in which the contract is executed.

SEC. 2. Section 20580.2 is added to said code, to read:

20580.2. An amendment executed under Section 20580.1 shall be deemed a continuation and an amendment, to the extent of any variation in the two contracts, of the district's contract with respect to rights of all employees of the district under this system. Accumulated contributions held for or as having been made by the district and its employees and the assets derived from such contributions shall be transferred to the credit of the county superintendent of schools as a contracting agency. The liability of the district after the effective date of the amendment shall be as provided in Section 20584.

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:

Whenever a unified school district is formed to include territory which is a portion of the territory of an existing school district, the obligations of the existing school district must be divided between the districts affected in proportion to the assessed valuation of the territory included in the newly formed district and that remaining in the existing district. With respect to obligations of contracting school districts under the State Employees' Retirement System for prior service benefits of employees, it is impossible to compute with exactness the obligation of any such contracting district since the liability is subject to adjustments from time to time as need

requires by the board of administration of the system. In order to avoid the inequities which will result from any attempt to divide the obligation for prior service benefits, it is necessary that this act take effect immediately.

CHAPTER 1064

An act to amend Section 11721 and to repeal Section 11009 of the Health and Safety Code, relating to persons under the influence of narcotics.

[Approved by Governor June 13, 1957. Filed with Secretary of State June 13, 1957.]

In effect September 11, 1957

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 use, or be under the influence of, or be addicted to the use of narcotics, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception. 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.

Narcotics

SEC. 2. Section 11009 of said code is repealed.

Repeal

CHAPTER 1065

An act to add Section 6534.7 to the Business and Professions Code, relating to barber colleges.

[Approved by Governor June 13, 1957. Filed with Secretary of State June 13, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6534.7 is added to the Business and Professions Code, to read:

6534.7. Every applicant for a certificate of registration to operate a new barber college shall offer proof sufficient to the board that the establishment of a new barber college in a particular area will not be detrimental to the public welfare.

In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare the board shall consider the need for barber college facilities or additional barber college facilities, as the case may be, in the community where the proposed barber college is to be located giving particular consideration to:

(a) The economic character of the community.

(b) The adequacy of existing barber shops and barber colleges in that community.

(c) The ability of the community to support the proposed barber college.

(d) The character of adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities.

(e) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located, and on the adjacent communities.

CHAPTER 1066

An act making an appropriation in augmentation of the appropriation in Item 146 of the Budget Act of 1956 for support of Department of Justice in connection with legal services rendered the Colorado River Board of California, to take effect immediately.

In effect immediately

[Approved by Governor June 13, 1957. Filed with Secretary of State June 13, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred fifty-two thousand two hundred twenty-three dollars ($252,223) is hereby appropriated out of the General Fund in augmentation of Item 146 of the Budget Act of 1956 for support of the Department of Justice for litigation and legal services rendered the Colorado River Board of California.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the State Constitution and shall go into immediate effect.

CHAPTER 1067

An act to amend Sections 9651 and 9654 and to repeal Sections 9654, 9655 and 9656 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

In effect September 11, 1957

[Approved by Governor June 14, 1957. Filed with Secretary of State June 14, 1957.]

The people of the State of California do enact as follows:

SECTION 1 Section 9651 of the Revenue and Taxation Code is amended to read:

9651. A license tax is hereby imposed upon operators at the rate of 3 percent of the gross receipts of the operators from operations to and including December 31, 1957, and thereafter at the rate of one and one-half percent (1½%) of their gross receipts from operations. Tax

SEC. 2. Section 9654 of said code is amended to read:

9654. For 1948 and each year thereafter, each operator shall be allowed a credit against the taxes imposed by this part in the amount of 33⅓ percent of all amounts which he has paid during the year under Section 372 of the Vehicle Code as registration fees on motor vehicles used by him in operations the gross receipts from which are taxable under this part. Provided, however, that no credit or refund of tax shall be allowed with respect to amounts paid under that section for any period beginning after December 31, 1957. Credits

The credit allowed an operator engaging subhaul operators shall not exceed, however, 3 percent of his gross receipts from operations during a calendar year subject to the tax imposed by this part, exclusive of the total amount paid to subhaul operators for performing during that calendar year all or a part of transportation operations the gross receipts from which are taxable under this part.

SEC. 3. Sections 9654, 9655 and 9656 of said code are repealed. Repeal

This section shall be operative on December 31, 1957. Operative date

Any credit or refund due any person under Section 9654, or 9655 for any year or portion thereof prior to December 31, 1957, shall be allowed to the same extent that it would have been had those sections not been hereby repealed.

CHAPTER 1068

An act to add Part 3, comprising Sections 4500 to 4605, inclusive, to Division 5 of, to repeal Sections 2160.3, 2160.4, and 3044 of, and to add Sections 103.7, 124.5, 124.6, 2160.3, 3044, and 3044.1 to, the Welfare and Institutions Code, relating to a program of medical services to recipients of public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1957. Filed with Secretary of State June 14, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Part 3 is added to Division 5 of the Welfare and Institutions Code, to read:

PART 3. MEDICAL SERVICES TO PUBLIC ASSISTANCE RECIPIENTS

CHAPTER 1. MEDICAL CARE

Article 1. General Provisions

Purpose

4500. The purpose of this chapter is to provide medical services or other remedial care to a recipient of public assistance who is unable from his own resources to provide such required services or care.

4501. As used in this chapter:

"Public assistance"

(a) "Public assistance" means aid to needy children, aid to the aged, and aid to the blind as provided for in Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, and Chapters 1 and 3 of Part 1 of Division 5 respectively of this code.

"Recipient"

(b) "Recipient" means any person for whom money is made available to provide medical care by Section 4552 of this code.

Medical care

4502. Medical care as used in this chapter may include diagnostic, preventive, corrective, and curative services and supplies essential thereto, provided by qualified medical and related personnel for conditions that cause suffering, endanger life, result in illness or infirmity, interfere with capacity for normal activity including employment, or for conditions which may develop into some significant handicap. Medical care does not include the cost of board, room, and personal expenses incidental to hospital care.

Medical care as used in this chapter shall include, but is not limited to, other remedial care, not necessarily medical. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of the religion of any church or religious denomination.

Construction

4503. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the poor insofar as inconsistent therewith, and the provisions of this chapter shall be construed as an additional method of providing medical services or remedial care to recipients of public assistance.

Recipients

4504. All service or care granted under the provisions of this chapter is held subject to the provisions of any law hereafter enacted, amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the State Social Welfare Board. No recipient of service or care under this chapter shall have any claim for compensation or otherwise because his service is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules or regulations.

Agreements with Federal Government

4505. The Governor may enter into and execute in behalf of the State all necessary agreements in connection with this chapter as may be required by the United States Government.

Article 2. Administration

4550. The administration of this chapter shall be carried out by the same agents as are authorized by the several boards of supervisors to administer the public assistance programs mentioned in Section 4501 of this code. Agents

4551. The authorization of the board of supervisors awarding public assistance to a recipient shall be considered authorization for any medical services provided by this chapter which the recipient may require and be qualified to receive under provisions of this chapter and the rules and regulations of the State Social Welfare Board. Medical services Authorization

4552. With respect to each of the following individuals the State Controller shall transfer to the Medical Care Premium Deposit Fund in the State Treasury a premium deposit equal to the total of the following sums: Deposits Medical Care Premium Deposit Fund

(a) For each recipient of public assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of three dollars ($3) per month.

(b) For each needy parent or needy person who takes the place of a parent in the supervision or care of needy children receiving assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of six dollars ($6) per month.

(c) For each recipient of public assistance under Chapter 1 of Division 3 or Chapters 1 or 3 of Part 1 of Division 5 of this code the sum of six dollars ($6) per month.

Transfers made by the Controller pursuant to this section shall be based on estimates submitted to him by the State Department of Social Welfare as provided in Section 4553.

The sums transferred pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

4553. In advance of each quarter the State Department of Social Welfare shall certify to the Controller the estimated amount to be transferred pursuant to Section 4552. Estimates

The State Controller shall transfer the amount of the estimated required premium deposits, as reduced by the amount estimated to be received from the Federal Government, from the General Fund to the Medical Care Premium Deposit Fund. In like manner the State Controller shall transfer from the Social Welfare Federal Fund to the Medical Care Premium Deposit Fund those funds which are received from the Federal Government to be expended for medical care in behalf of public assistance recipients.

The amounts to be transferred to the Medical Care Premium Deposit Fund shall be increased or decreased by the sums by which transfers for any previous quarter were smaller or larger than the amount of premium deposits determined to have been required under Section 4552.

4554. In order to provide the maximum services possible within the funds available the State Department of Social Contracts Medical care and insurance

Welfare may contract with one or more public or private agencies, or nonprofit membership corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, or with medical societies or other medical groups, or with vendors of medical supplies, or private insurance companies holding valid outstanding certificates of authority from the Insurance Commissioner of this State or with nonprofit hospital service plans qualifying under Chapter 11A of Part 2 of Division 2 of the Insurance Code, under subdivision (a) or subdivision (b) of this section, or both.

(a) The State Department of Social Welfare may enter into nonexclusive contracts providing arrangements under which funds available for medical care under this chapter shall be administered and disbursed to providers of medical care in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payment established pursuant to such contract. No contract entered into pursuant to this subdivision shall deny to recipients of public assistance free choice of physicians willing to provide services under the terms of such contract.

(b) Notwithstanding subdivision (a) of this section, the State Department of Social Welfare may contract for one or more indemnity or service-type partial or full prepayment or group payment programs to provide medical care or any aspect thereof, with any agency or organization qualified under the first paragraph of this section.

Insofar as practical, consistent with the efficient and economical administration of this chapter, the State Department of Social Welfare shall afford recipients of public assistance free choice of arrangements under which they shall receive medical care, and insofar as practical, consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients of public assistance shall afford free choice among physicians willing to provide services under the terms of a contract entered into pursuant to this section.

Nothing in this section shall prevent any county in providing services required of it under this chapter from entering into contracts with another county, with one or more nonprofit membership corporations organized and operating under Section 9200 or 9201 of the Corporations Code, with medical societies, with medical groups, or with vendors of medical supplies except that such contracts shall comply with subdivision (a) or subdivision (b) of this section and with the scope and rules prescribed by the State Social Welfare Board pursuant to Section 4555 of this code.

Policies and scope Social Welfare Board

4555. The State Social Welfare Board shall prescribe the policies and scope of the services to be provided under this chapter and shall adopt such rules and regulations as are necessary for carrying out the provisions of this chapter and not inconsistent therewith.

Medical examination

4556. If any individual in good faith adheres to the teachings of any bona fide church, sect, denomination, or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required to receive remedial care authorized by this chapter, but in lieu thereof the certificate of a practitioner of such bona fide sect, denomination, or organization approved and authorized by the State Department of Social Welfare shall be accepted as to the need of such individual for service. No rule or regulation shall be adopted or continued in force which discriminates against such an individual.

Advisory committee

4557. The State Social Welfare Board shall appoint an advisory committee consisting of not more than nine persons, which committee shall serve in a consulting capacity. Members of the committee shall be representative of organizations and groups which have had a wide range of experience in providing medical care. The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties. The committee shall make recommendations and give advice to the department and the board as to the medical needs of public assistance recipients.

Article 3. Persons Eligible for Service

Recipients

4575. Services shall be provided under this chapter to any recipient of public assistance as defined in Section 4501 of this code, except that no recipient shall be required to accept such services.

Independent income

4576. No recipient of public assistance shall be provided with services under this chapter if he has income in addition to his grant with which he may independently purchase such service as a special need under the public assistance program under which he receives assistance.

Relatives

4577. The degree of liability of relatives to support recipients of public assistance shall not be increased as a result of the services provided such recipients under this chapter. Liability for such support shall be determined in accordance with the laws and regulations of the respective public assistance programs under which eligibility is determined.

Repayments

4578. The provisions of Section 103.3 of this code shall be applied in determining the liability of any person to repay the cost of medical services received by him during any period of time he was ineligible to receive public assistance. Any repayments received shall be deposited in the Medical Care Premium Deposit Fund.

In the event the amount collected is not equal to the total expended for public assistance and medical services during the period of ineligibility an amount shall be deposited in the Medical Care Premium Deposit Fund which bears the same proportion to the total amount collected as the expenditures

for medical services bear to the total expended for public assistance and medical services.

4579. Any deposits made to the Medical Care Premium Deposit Fund in behalf of any person during which time the person was ineligible to receive public assistance shall be withdrawn from the fund. Deposits so withdrawn shall be shared by the State and the Federal Government in the proportion that each shared in the deposits.

Article 4. Procedure

Application

4600. Application for services under this chapter shall be made to the board of supervisors of the county in which the recipient receives public assistance.

Eligibility

4601. An authorized agent of the board of supervisors shall determine the eligibility of any recipient of public assistance to receive services as provided by the rules and regulations of the State Social Welfare Board and, if such recipient is eligible, shall certify him to the public or private agency, nonprofit membership corporation, medical society, medical group, or private vendor designated to provide the required medical services or supplies. No recipient shall be held liable for the cost of medical care paid for under this chapter.

Expenses

4602. All necessary expenses incurred by the county in carrying out the provisions of this chapter shall be paid by the county in the same manner as other expenses of the county are paid.

Federal participation

4603. During such times as grants-in-aid are provided or made available by the United States Government for the costs of administering the services provided by this chapter, the State Treasurer shall pay to each county from the sums so granted an amount equal to the county's proportionate share of any amount granted or made available. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administrative costs to be paid to the counties which portion for each county shall bear the same proportion to the total amount granted or made available to the State for such administrative costs as the administrative costs of that county bear to the total administrative costs of all counties and of the State.

Estimated expense

4604. The State Department of Social Welfare shall prior to the beginning of each quarter, estimate the amount required by each county to provide medical care under this chapter and shall certify to the State Controller the amounts estimated by it. The department shall adjust its estimates by any sum by which its estimates for any prior quarter were greater or less than the amount which should have been paid to the counties.

The State Controller shall thereupon draw his warrants against the Medical Care Premium Deposit Fund, and prior to audit or settlement by the State Department of Social Welfare and the Controller, the State Treasurer shall pay to the treasurer of each county the amount certified for the county.

4605. Reports of services and expenditures under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare and the State Controller. The amounts approved shall be allowed as a credit to apply against advances made under Section 4604. Reports

SEC. 2. Section 103.7 is added to said code, to read:

103.7. It is hereby declared that provision for medical services to public assistance recipients as set forth in Chapter 1 of Part 3 of Division 5 of this code is a matter of state-wide concern. State-wide concern

The department is hereby designated as the single state agency with full power to supervise every phase of the administration of that program.

SEC. 3. Section 124.5 is added to said code, to read:

124.5. The Medical Care Premium Deposit Fund in the State Treasury is hereby created. All moneys transferred by the State Controller pursuant to Section 4552 of this code and those funds made available to the State by the Federal Government for the purpose of providing medical care and services to public assistance recipients shall be deposited in the fund. Funds so deposited shall be held in trust in the fund for the sole purpose of paying for medical care and services for public assistance recipients as provided in Chapter 1 of Part 3 of Division 5 of this code and shall not be withdrawn for any other purpose. Medical Care Premium Deposit Fund

Funds held in trust in the Medical Care Premium Deposit Fund shall not establish a right in any public assistance recipient to demand a proportionate share of the fund to provide for his medical needs.

If the Medical Care Premium Deposit Fund is dissolved, the Federal Government shall be reimbursed for its proportionate share of contributions into the fund, and any moneys remaining thereafter shall revert to the General Fund.

SEC. 4. Section 124.6 is added to said code, to read:

124.6. All money in the Medical Care Premium Deposit Fund is hereby appropriated to the State Department of Social Welfare, without regard to fiscal years, for expenditure for the purposes specified in Chapter 1 of Part 3 of Division 5 of this code. Appropriation

SEC. 5. Sections 2160.3 and 2160.4, as added by Chapter 1719, Statutes of 1955, of said code are repealed.

SEC. 6. Section 2160.3 is added to said code, to read:

2160.3. An applicant or recipient who is a patient in a public medical institution and who is otherwise eligible under this chapter is entitled to receive aid in the same manner as other recipients. Eligibility

In determining the grant for which such person is eligible, an allowance shall be included to enable him to pay for his board, room, and other services which are incidental to the medical, surgical, and nursing services he receives. The recipient shall also be granted an allowance for his personal and

incidental needs not provided by the institution. The recipient shall remain a free agent to make his own arrangements with the institution with respect to paying for his care.

Repeal

SEC. 7. Section 3044 of said code is repealed.

SEC. 8. Section 3044 is added to said code, to read:

Noneligible persons

3044. No applicant shall receive aid under 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.

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 while he is such an ineligible patient or inmate, and if he is otherwise qualified under 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. 9. Section 3044.1 is added to said code, to read:

Public medical institution patients

3044.1. An applicant or recipient who is a patient in a public medical institution and who is otherwise eligible under this chapter is entitled to receive aid in the same manner as other recipients.

In determining the grant for which such person is eligible, an allowance shall be included to enable him to pay for his board, room, and other services which are incidental to the medical, surgical, and nursing services he receives. The recipient shall also be granted an allowance for his personal and incidental needs not provided by the institution. The recipient shall remain a free agent to make his own arrangements with the institution with respect to paying for his care.

Operative dates

SEC. 10. Sections 1 to 4 inclusive of this act shall become operative October 1, 1957 and Sections 5 to 9 inclusive of this act shall become operative July 1, 1957.

Urgency

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme need for increased medical service to the 450,000 recipients of public assistance in this State. This need for increasing the availability of medical services to public assistance recipients was carefully studied by the United States Congress and was identified as the outstanding unmet need of such persons throughout the Nation. In endorsing this service as an extension of the public assistance program, the United States Government has provided that federal funds shall be available to this State on a matching basis effective July 1, 1957. If enabling legislation together with a matching appropriation are not promptly adopted, it will not

be possible for this State to qualify for its share of funds available from the Federal Government. The expeditious handling of negotiations with the United States Government and the early operation of a program of medical services is necessary to relieve the suffering and hardship of public assistance recipients unable to provide essential medical and health services which are provided by this measure. It is therefore necessary for this act to go into immediate effect.

CHAPTER 1069

An act to add Sections 5 1, 5.2, 5.3, 5 4, 5.5, 5.6, 13.5, 15, and 16 to, and to amend Sections 5 and 12 of, Chapter 124 of the Statutes of 1955, relating to the holding of winter Olympic games in California, providing for the disposition of facilities after completion of said games, making an appropriation therefor and authorizing eminent domain, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1957. Filed with Secretary of State June 19, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby declares that the appropriation in this act for additional support of the California Olympic Commission is made, and this act is enacted, in recognition of the following factors:

California and more particularly Squaw Valley has been selected by the International Olympic Committee as the site of the VIIIth Winter Olympic Games to be staged in 1960. By Chapter 124, Statutes of 1955, the Legislature created the California Olympic Commission for the express purpose of cooperating to the fullest extent with the Government of the United States and others to assure the success of said games. Many facilities to be constructed by the State at Squaw Valley are to be permanent in nature with the intention that after the games the site will become a part of the State Park System. The park would constitute a winter sports area unequaled in the United States, capable of serving as a training ground for future United States winter sports teams, and provide a year-around recreational center for the people of California. The games therefore not only will focus the world's attention upon California's winter recreational wonderland and promote international good will, but, through the establishing of the site as a permanent state park, provide inestimable and lasting benefits to the people of this State.

SEC. 2. Section 5 of Chapter 124 of the Statutes of 1955 is amended to read:

Sec. 5. The commission shall have power, with the approval of the Department of Finance, to make and execute all contracts and agreements necessary to the business of the commission or

to carry out the purposes of this act. All contracts, made by the commission, shall be executed in quadruplicate, signed by the chairman thereof or his designated representative, and executed under the seal of the commission. No contract or agreement shall be made by the commission unless the parties thereto shall waive therein all claims and recourse against the State of California for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to such contract or agreement, and all contracts or agreements made by the commission in violation of this provision shall be void; provided, however, that this section shall not apply to contracts made with reference to the acquisition of property for the purpose of staging the games.

SEC. 3. Section 5.1 is added to said act, to read:

Sec. 5.1. The commission shall have the power, with the approval of the Department of Finance, to acquire by grant, gift, devise or lease such real or personal property as may be necessary for the holding of the 1960 Winter Olympic Games, and to carry out the purposes of this act, and, subject to the provisions of Section 13.5, may hold, use, sell, lease or dispose of any such real or personal property.

SEC. 4. Section 5.2 is added to said act, to read:

Sec. 5.2. The commission, with the approval of the Department of Finance, may exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, and may take any property necessary or convenient to the exercise of the powers conferred upon it by law, whether such property is already devoted to the same use, or otherwise. This power may be exercised only with respect to not more than 200 acres of real property and only within Sections 28, 29, 30, 31, and 32 in Township 16 North, Range 16 East, Mt. Diablo base and meridian. No proceedings for condemnation shall be commenced after December 31, 1957, but proceedings commenced prior thereto shall not be affected by this limitation. Proceedings for the condemnation of any real or personal property or interest therein shall be taken under the provisions of the Code of Civil Procedure relating to eminent domain. The commission shall not commence any such proceedings unless the Director of Finance first adopts a resolution, concurred in by a written resolution of the Public Works Board, declaring that the public interest and necessity require the acquisition by the State of the property or interest therein described in the resolution and that such acquisition is necessary and proper for carrying out the purposes of this act. The resolution of the Director of Finance shall be filed with the Secretary of State and shall be conclusive evidence:

(a) Of the public necessity of such proposed acquisition.

(b) That such real or personal property or interest therein is necessary.

(c) That such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

SEC. 5. Section 5.3 is added to said act, to read:

Sec. 5.3. The commission, with the approval of the Department of Finance, may acquire, construct or complete and operate and maintain roads, trams, tramways, aerial cableways, upskis, ski lifts, parking areas, skiing areas, areas for tobogganing, coasting, snowshoeing, sledding, ice skating, ski huts, ski hostels, restaurants, busses, buildings, and all other works, properties and structures necessary, convenient or useful for the development of winter sports in connection with the holding and staging of the 1960 Winter Olympic Games.

SEC. 6. Section 5.4 is added to said act, to read:

Sec. 5.4. The commission, with the approval of the Department of Finance, may acquire, construct, own, operate, control or use and maintain any real or personal property or facilities required in connection with the disposition of garbage, sewage or refuse matter, flood control, and for supplying water in the area of Squaw Valley, California, and may do all things necessary, convenient, or useful to the full exercise of the powers granted in this act.

SEC. 7. Section 5.5 is added to said act, to read:

Sec. 5.5. Until June 30, 1960, the commission may fix rates, tolls, charges, rents or other charges for the use of any real or personal property, or facilities acquired, constructed, operated or maintained by the commission and may alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the commission with respect to the fixing of such rates, charges, rentals or tolls.

SEC. 8. Section 5.6 is added to said act, to read:

Sec. 5 6. The commission shall administer, control, maintain, operate, protect and develop all real and personal property and facilities acquired, leased or constructed by or for it and may establish rules and regulations not inconsistent with law for the governing and administration of all such real and personal property and facilities.

SEC. 9. Section 12 of said act is amended to read:

Sec. 12. All contracts and agreements entered into under this act by the commission shall be exempt from the provisions of the State Contract Act.

SEC. 10. Section 13.5 is added to said act, to read:

Sec. 13.5. Such control and possession as the commission may have of all real and personal property and facilities and improvements acquired or constructed by the commission pursuant to this act shall be transferred as soon as is practicable after completion of the 1960 Winter Olympic Games, but in no event later than June 30, 1960, to the Division of Beaches and Parks, Department of Natural Resources of the State of California, for inclusion in the State Park System. The State Park Commission shall not acquire by eminent do-

main any additional real property in Squaw Valley without the prior approval of the Legislature.

SEC. 11. Section 15 is added to said act, to read:

Sec. 15. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

SEC. 12. Section 16 is added to said act, to read:

Sec. 16. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 13. In case any section or sections, or part of any section, of this act is construed as not becoming effective immediately, for any reason, the remainder of this act shall go into immediate effect.

SEC. 14. Notwithstanding the provisions of Item 413 of Section 2 of the Budget Act of 1956, the funds appropriated by said Item 413 and by this act may be expended for the construction of ski jump outrun, flood control, grading, spectator pavilions, parking facilities, together with improvements incident thereto, on other than public lands and without the necessity of executing a contract between the California Olympic Commission and the Division of Beaches and Parks, Department of Natural Resources, as provided in said item for the transfer to said division for disposal as soon as practicable by sale or lease of, such control and possession as the commission may have of all lands and improvements leased, purchased, or constructed for the 1960 Winter Olympic Games.

SEC. 15. In addition to any funds heretofore appropriated, there is hereby appropriated to the California Olympic Commission out of any money in the State Park Fund in the State Treasury, the sum of two million nine hundred ninety thousand dollars ($2,990,000), or so much thereof as may be necessary, in augmentation of the appropriation made by Item 413 of the Budget Act of 1956, to be expended by the commission without regard to fiscal years to carry out the purposes of Chapter 124, Statutes of 1955

SEC. 16. 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 should go into immediate effect. The facts constituting such necessity are:

In order to stage the 1960 Winter Olympic Games it is required that the facilities be tested under actual competitive conditions during the winter prior to the holding of said games. Because of the extremely short periods each summer that construction work can be performed in Squaw Valley, California, it is necessary that actual construction of the facilities be commenced by June 20, 1957 In order that construction contracts may be let in advance of said date, it is necessary that this act take effect immediately.

CHAPTER 1070

An act to amend Sections 15809 and 15822 and to repeal Section 15809.5 of the Government Code, relating to the State Building Construction Act of 1955.

[Approved by Governor June 20, 1957. Filed with Secretary of State June 20, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 15809 of the Government Code is amended to read:

15809. The board may: Powers of Public Works Board

(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.

SEC. 2. Section 15809.5 of said code is hereby repealed. Repeal

SEC. 3. Section 15822 of the Government Code is amended to read:

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 Certificates

and the investing agency with the approval of the Department of Finance, not exceeding 4½ 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.

CHAPTER 1071

An act to provide for the construction of buildings and improvements for the California State Fair, for the disposition of property now used therefor, and making an appropriation.

In effect September 11, 1957

[Approved by Governor June 20, 1957. Filed with Secretary of State June 20, 1957.]

The people of the State of California do enact as follows:

Construction Fair site

SECTION 1. The Director of Finance shall immediately proceed with the major construction and improvements for the California State Fair and Exposition on the new site acquired therefor in Sacramento County.

Disposition of existing property

SEC. 2. The Director of Finance shall remove any movable buildings or other improvements from the present California State Fair and Exposition property in the City of Sacramento to the new fair site in the County of Sacramento. The existing site and the remaining buildings and improvements shall promptly be sold by the director upon such terms and conditions as he deems to be in the best interests of the State. The proceeds of such sale shall be used to augment the appropriation provided for by Section 3 of this act.

Appropriation

SEC. 3. There is hereby appropriated out of all the license fees for conducting horse racing meetings not payable into the Fairs and Exposition Fund, or into the Wildlife Restoration Fund, pursuant to Section 19627 of the Business and Professions Code, the sum of three million seven hundred forty-seven thousand eight hundred forty-three dollars ($3,747,843) in each of the 1957-58 and 1958-59 Fiscal Years, and in addition thereto the amounts made available pursuant to Section 2, to the Director of Finance to be expended subject to the approval of the State Public Works Board for major construction, improvements, and equipment at the new State Fair site in the County of Sacramento, for the use of the California State Fair and Exposition for an annual fair or exposition.

The specific amount appropriated herein is that amount which had been previously appropriated for the purposes of acquiring and improving, a site for the California State Fair and Exposition by Section 6 of Chapter 145, 1946 First Extraordinary Session, Chapter 1318 of the Statutes of 1947, and Item 367 of the Budget Act of 1950, which amounts were transferred to the Capital Outlay and Savings Fund by Section 3.4 of the Budget Act of 1951.

CHAPTER 1072

An act to add Section 15849 to, and to amend Section 15822 of, the Government Code, authorizing the State Public Works Board to construct buildings and facilities, and making an appropriation.

[Approved by Governor June 20, 1957 Filed with Secretary of State June 20, 1957.]

In effect September 11, 1957

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 4 of the Budget Act of 1957, is authorized to construct buildings and facilities on the new site of the California State Fair and Exposition, under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800 of the Government Code), and to finance by the issuance of either certificates or revenue bonds pursuant to said act not to exceed in cost six million five hundred thousand dollars ($6,500,000) annually for a period of two fiscal years. State Fair facilities

When the buildings or facilities constructed by the State Public Works Board on the new site of the State Fair and Exposition have been constructed, and the revenues, rentals, or receipts from the operation of such buildings or facilities 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 the State Building Construction Act of 1955, the board shall forthwith transfer jurisdiction of such buildings or facilities to the California State Fair and Exposition.

SEC. 2. Section 15849 is added to the Government Code, to read:

15849. Such amount as may be necessary to pay monthly the amount required to pay rent for the buildings and facilities authorized to be constructed on the new site of the California State Fair and Exposition under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800) is hereby appropriated each fiscal year, payable first from the State Fair Fund in the State Treasury, to be- Appropriation

come available only if the Department of Finance certifies to the State Controller that the amount required to pay such rent has not been included in the Budget Act for such fiscal year. If there is insufficient money in the State Fair Fund to pay such rent, the appropriation shall be payable from all the license fees for conducting horse racing meetings not payable into the Fairs and Exposition Fund, or into the Wildlife Restoration Fund, pursuant to Section 19627 of the Business and Professions Code.

Any amount paid from such license fees shall be reimbursed from the State Fair Fund when the Department of Finance certifies to the State Controller that sufficient money is in the State Fair Fund to make such reimbursement. The appropriation herein made shall become inoperative when the buildings or facilities constructed by the State Public Works Board on the new site have been transferred to the jurisdiction of the California State Fair and Exposition.

SEC. 3. Section 15822 of the Government Code is amended to read:

Certificates

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 5 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.

CHAPTER 1073

An act to add Section 5153.5 to, and repeal Sections 7098, 7101, 7101.3, 7101.4, 7102, 7102.3, 7102.4, 7103, 7103.3, 7103.4, 7114, 7117 and 7118, and to amend Sections 5153, 5154, 5155, 6703, 7001, 7018.1, 7032, 7032.1, 7034, 7035.1, 7036, 7037, 7037.1, 7037.3, 7038, 7041, 7042, 7043, 7044, 7046, 7081, 7051, 7067, 7075, 7091, 7092.1, 7094, 7095, 7097, 7109.21, 7111, 7112, 7113, 7115, 7116, 7119, 7121.1, 7122,

7125.1, 7143 and 13842 of the Education Code, relating to the Public School System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1957. Filed with Secretary of State June 20, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5153 of the Education Code is amended to read:

5153. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount not less than one hundred ninety-three dollars and thirty-seven cents ($193.37) per pupil in 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, as certified by the Superintendent of Public Instruction. State School Fund Transfer from General Fund

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 5154 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in this chapter and in Chapter 15 of this division.

SEC. 1.5. Section 5153.5 is added to said code, to read:

5153.5. Within the first month of the 1957-58 Fiscal Year, the State Controller shall transfer to the General Fund (1) from the School Bond Retirement Fund, ten million dollars ($10,000,000) and (2) from the money deposited in the Teachers' Permanent Fund by Section 3 of Chapter 13, Statutes of 1943, Fourth Extra Session, an amount equal to the appropriation from the General Fund to the Retirement Annuity Fund made by Item 425 of the Budget Act of 1957. Transfers to General Fund From School Bond Retirement Fund, etc

Within the first month of the 1958-59 Fiscal Year, the State Controller shall transfer to the General Fund (1) the remaining balance in the School Bond Retirement Fund, and (2) the balance of the amount, together with all increments thereon, deposited in the Teachers' Permanent Fund by Section 3 of Chapter 13, Statutes of 1943, Fourth Extra Session; provided, that no more shall be transferred from the Teachers' Permanent Fund than is appropriated from the General Fund to the Teachers' Permanent Fund and to the Retirement Annuity Fund for the 1958-59 Fiscal Year.

Transfers to effectuate the purposes of this section need not be made in cash but may be made in investments pursuant to Article 5, Chapter 3, Part 2, Division 4, Title 2 (commencing at Section 16485) of the Government Code, except that invest-

ments shall be transferred at actual market value as determined by the State Board of Control rather than at "market value" as defined by Section 16486 of the Government Code.

SEC. 2. Section 5154 of said code is amended to read:

Expenditure of appropriation

5154. The amount appropriated in Section 5153 shall be expended in accordance with the following schedule:

(a) Seventeen dollars and seventy-eight cents ($17.78) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance for allowance to county school service funds pursuant to subdivision (a) of Section 7001.

(b) Three dollars ($3) 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) Four dollars ($4) 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 (commencing with Section 7011), Chapter 15, of this division, except Section 7018.1.

(d) Five dollars and fifteen cents ($5.15) 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, and Articles 12, 13, and 14 (commencing at Sections 7101.1, 7102.1, and 7103.1, respectively), Chapter 15 of this division.

(e) Twelve dollars and fifty-two cents ($12.52) 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 (commencing with Section 7109), Chapter 15, of this division.

(f) One hundred sixty-seven dollars and four cents ($167.04) 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 during the preceding school year, plus the difference between one dollar and sixty-six cents ($1.66) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds and seventeen dollars and

seventy-eight cents ($17.78) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for basic and equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Articles 5 and 6 (commencing with Sections 7041 and 7046, respectively), Chapter 15 of this division, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 3. Section 5155 of said code is amended to read:

Limitation

5155. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 5154, the amounts allowed for such purpose to districts and funds under Chapter 15 of this division shall not exceed the amount computed under the formula or provisions of Chapter 15 for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Section 7119 for purposes specified in subdivisions (a), (b), (c), (d), (e), and (f) of Section 5154.

SEC. 4. Section 6703 of said code is amended to read:

Use of appropriated money

6703. During any fiscal year there shall be expended for the payment of salaries of persons employed by the district in positions requiring certification qualifications or for the payment of tuition by the district to another district the following amounts:

(a) Not less than 65 percent of the foundation program for elementary school attendance in elementary districts with an average daily attendance during the preceding year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 4, Chapter 15 of this division, or pursuant to Section 7091, if the foundation program for such district is computed pursuant to Section 7091, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 6357 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 8728, if such amount is less than the amount computed on the basis of the foundation program.

(b) Not less than 65 percent of the foundation program for elementary school attendance of an elementary district with an average daily attendance during the preceding year of 101 or more, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, as such foundation program would be computed for apportionments in the same fiscal year pursuant to Article 4 of Chapter 15, or as it would be computed pursuant to Section 7091 for apportionments in the same fiscal year, whichever is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 6357 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 8728, is less than the larger of the two amounts computed on the basis of the foundation program, such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(c) Not less than 65 percent of the foundation program for high school attendance in high school districts with an average daily attendance during the preceding year of less than 267, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 4 of Chapter 15, or pursuant to Section 7092.1, if the foundation program for such district is computed pursuant to Section 7092.1, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 6357 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, if such amount is less than the amount computed on the basis of the foundation program.

(d) Not less than 65 percent of the foundation program for high school attendance in a high school district which had an average daily attendance during the preceding year of 267 or more, which would be computed for apportionments in the same fiscal year pursuant to Article 4, Chapter 15, or which would be computed for apportionments in the same fiscal year pursuant to Section 7092.1, whichever is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 6357 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, is less than the larger of the two amounts computed on the basis of the foundation program,

such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(e) Not less than 65 percent of the foundation program computed for apportionments in the same fiscal year for junior college attendance, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 6357 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance and reduced by amounts of interdistrict attendance payments chargeable to it, if such amount is less than the amount computed on the basis of the foundation program.

(f) In addition to the above amounts, as determined for each district, not less than 65 percent of the apportionments for growth computed for the district during the preceding fiscal year, and not less than 65 percent of the apportionments computed pursuant to Sections 7097 and 7125.1 during the same fiscal year.

Definitions

The terms "elementary district," "high school district" and "elementary school attendance," "high school attendance," and "junior college attendance," as used in this section, have the same meanings as if used in Chapter 15 of this division.

Exemptions

In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year would result in serious hardship to the district, or in the payment of salaries to persons employed by the district in positions requiring certification qualifications substantially in excess of the salaries paid persons employed in positions requiring certification qualifications by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made.

Unexpended money

If any portion of the money is not expended as required by this section and is not exempted by the Superintendent of Public Instruction, the county superintendent of schools having jurisdiction over the district shall add such portion to the amount required to be expended for salaries or tuition for the next succeeding fiscal year or he may transfer 80 percent of such amount to the county school service fund pursuant to Section 7203.

SEC. 5. Section 7001 of said code is amended to read:

Total allowance to county fund

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 and health, attendance, and guidance services pursuant to Articles 4, 5, 6, and 7 (commencing with Sections 9515, 9520, 9525, and 9530, respectively), Chapter 8.1 of Division 4 for pupils in elementary school districts which during the preceding school year had less than 901 units of average daily attendance, in high school districts which during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the preceding school 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 two hundred thousand dollars ($200,000), 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. 6. Section 7018.1 of said code is amended to read:

Allowance for special students

7018.1. (a) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801.2, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average

daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801 2, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

SEC. 7. Section 7032 of said code is amended to read:

Elementary schools' Computation of amount with attendance under 26

7032. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand four hundred fifty dollars ($5,450).

Attendance from 26 to 50

(b) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute ten thousand nine hundred dollars ($10,900).

Attendance from 51 to 75

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half of the days school was maintained, he shall compute sixteen thousand three hundred fifty dollars ($16,350).

Attendance from 76 to 100

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-one thousand eight hundred dollars ($21,800).

SEC. 8. Section 7032.1 of said code is amended to read:

Attendance from 101 to 900

7032.1. For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior

high school, had an average daily attendance of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred eighteen dollars ($218).

Attendance more than 900

For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 900 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred twenty dollars ($220).

SEC. 9. Section 7034 of said code is amended to read:

Necessary small schools· Computation of amount with attendance under 26

7034. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand four hundred fifty dollars ($5,450).

Attendance from 26 to 50

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district ten thousand nine hundred dollars ($10,900).

Attendance from 51 to 75

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand three hundred fifty dollars ($16,350).

Attendance from 76 to 100

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-one thousand eight hundred dollars ($21,800).

SEC. 10. Section 7035.1 of said code is amended to read:

Seventh and eighth grades Computation of amount with attendance less than 901

7035.1. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the preceding fiscal year, on account of the attend-

ance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 6944 and 8763, he shall multiply the average daily attendance in such grades by two hundred eighteen dollars ($218).

Attendance of 901 or more

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 6944 and 8763, he shall multiply the average daily attendance in such grades by two hundred twenty dollars ($220).

SEC. 11. Section 7036 of said code is amended to read:

Two or more elementary schools Computation of amount with attendance from 101 to 901

7036. For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 7034 or 7035.1, by two hundred eighteen dollars ($218).

Attendance from 901 or more

For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 7034 or 7035.1, by two hundred twenty dollars ($220).

SEC. 12. Section 7037 of said code is amended to read:

High school district Computation of amount with attendance less than 267

7037. For each high school district maintaining only one high school which had an average daily attendance during the preceding fiscal year of less than 267, he shall compute, except as otherwise provided, thirteen thousand two hundred twenty-eight dollars ($13,228) and in addition five hundred ten dollars ($510) for each of the first to eightieth units, inclusive, and one hundred fifty dollars ($150) for each of the eighty-first to the two hundred sixty-sixth units, inclusive.

No computation shall be made under this section for the average daily attendance of any high school or high school district established after July 1, 1953, without the approval of the Superintendent of Public Instruction. Unless such approval is had, the foundation program for such school or district shall be computed by multiplying the average daily attendance during the preceding fiscal year by three hundred eight dollars ($308).

SEC. 13. Section 7037.1 of said code is amended to read:

Two or more high schools Computation of amount with attendance less than 267

7037.1. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school for which the governing board of the district has provided separate facilities and a separate administrative head and having an average daily attendance during the preceding fiscal year of less than 267 the amount which would otherwise be computed for the district under Section 7037 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the average daily attendance of such high school by three hundred eight dollars ($308) if the total average daily attendance of the district for the preceding fiscal year was less than 301, or by three hundred ten dollars ($310) if such total average daily attendance was 301 or more, unless the following percentage of the amount computed under Section 7037 is the larger, in which case it shall be used.

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

SEC. 14. Section 7037.2 of said code is amended to read:

High school district Computation of amount with attendance over 267

7037.2. For each high school district which had an average daily attendance of 267 or more and of less than 301 during the preceding fiscal year he shall multiply the average daily attendance during the preceding fiscal year, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 267, by three hundred eight dollars ($308). For each high school district which had an average daily attendance of 301 or more during the preceding fiscal year, he shall multiply the average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 267, by three hundred ten dollars ($310).

SEC. 15. Section 7038 of said code is amended to read:

Junior college

7038. For each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, by four hundred ten dollars ($410).

SEC. 16. Section 7041 of said code is amended to read:

County school service fund allowances

7041. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section multiply by two hundred twenty dollars ($220). No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining the emergency schools during the preceding fiscal year.

(b) Three hundred ten dollars ($310) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

SEC. 17. Section 7042 of said code is amended to read:

Special schools or classes

7042. The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section multiply by two hundred twenty dollars ($220).

SEC. 18. Section 7043 of said code is amended to read:

Elementary schools in juvenile halls, etc.

7043. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred eighteen dollars ($218) he shall, for the purposes of this section, multiply by two hundred twenty dollars ($220).

SEC. 19. Section 7044 of said code is amended to read:

Secondary schools in juvenile halls, etc

7044. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by three hundred ten dollars ($310).

SEC. 20. Section 7046 of said code is amended to read:

Attendance in school in adjoining state

7046. The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty-five dollars ($125) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

SEC. 21. Section 7081 of said code is amended to read:

Computation of district aid

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:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Forty-five cents ($0.45) in a high school district with a total average daily attendance during the preceding fiscal year of less than 267.

(c) Fifty cents ($0.50) in a high school district with a total average daily attendance during the preceding fiscal year of 267 or more.

(d) Thirty-three cents ($0.33) in a junior college district.

SEC. 22. Section 7051 of said code is amended to read:

Amount per unit of average daily attendance Elementary school districts

7051. The Superintendent of Public Instruction shall allow one hundred twenty-five dollars ($125) to each elementary school district for each unit of average daily attendance therein during the preceding fiscal year as computed for the district under Sections 6911 and 6944, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid.

SEC. 23. Section 7067 of said code is amended to read:

Amount per unit of average daily attendance High school districts

7067. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 6962, and 6971, subject to the provisions of Section 7148, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 24. Section 7075 of said code is amended to read:

Amount per unit of average daily attendance Junior college districts

7075. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14, during the preceding fiscal year as computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, but not less than two thousand four

hundred dollars ($2,400) shall be allowed to any junior college district, to be known as basic state aid.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 25. Section 7091 of said code is amended to read:

Computation of allowance Elementary districts

7091. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Articles 7 and 10 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any elementary school district pursuant to Articles 7 and 10 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount computed for such district pursuant to Articles 7 and 10 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0.05) less than the maximum tax rate prescribed for the district by Section 6357, the amount allowed under this article, beginning with the Fiscal Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 7091 had the foundation program for the district been computed under Section 7032.1, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each the subsequent fiscal years, of the difference between the allowance computed for the district under Section 7091 and the amount that would have been computed for the district under Section 7091 had the foundation program for the district been computed under Section 7032.1 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require.

The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Notwithstanding anything in this article to the contrary, the amount computed for any elementary school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6911 and 6944 by two hundred ninety-three dollars ($293) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of the pupils attending the seventh and eighth grades of a junior high school, or by two hundred ninety-five dollars ($295) if the total average daily attendance of the district during the preceding fiscal year was 901 or more, exclusive of the pupils attending the seventh and eighth grades of a junior high school, and had the tax used in making the computation for the district under Article 10 of this chapter been one dollar and thirty-five cents ($1.35).

SEC. 26. Section 7092.1 of said code is amended to read:

Computation of allowances High school districts

7092.1. Notwithstanding anything in this article to the contrary, the amount computed for any high school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943 and 6962 by three hundred eighty-eight dollars ($388) if the total average daily attendance of the district during the preceding fiscal year was less than 301, or by three hundred ninety dollars ($390) if the total average daily attendance of

the district during the preceding fiscal year was 301 or more, and had the tax used in making the computation for the district under Article 10 of this chapter been eighty-five cents ($0.85).

SEC. 27. Section 7094 of said code is amended to read:

Tax levy prerequisite

7094. No state equalization aid shall be allowed to any district under this article during the Fiscal Year 1957-58 unless, during the preceding fiscal year, there shall have been levied a tax for such district, exclusive of a tax levied under Sections 4693.2, 5063, 6357.2, 7516, 7736, 14560.1, 14725, 14775, and 19613.6, in an amount equal to sixty cents ($0.60) or more for an elementary district, forty-five cents ($0.45) or more for a high school district, or thirty cents ($0.30) or more for a junior college district.

SEC. 28. Section 7095 of said code is amended to read:

Same

7095. No state equalization aid shall be allowed under this article, during the Fiscal Year 1958-59, or during any other subsequent fiscal year unless there shall have been levied pursuant to this code, for such district during the preceding fiscal year, exclusive of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736, 14560.1, 14725, 14775, and 19613.6, a tax not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district with a total average daily attendance during the preceding fiscal year of less than 267, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 267 or more, and thirty cents ($0.30) if a junior college district.

SEC. 29. Section 7097 of said code is amended to read:

Computation of allowances Adults and inmates

7097. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Article 11 of this chapter by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults. The total of basic and equalization aid allowed shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

Repeals

SEC. 30. Sections 7098, 7101, 7101.3, 7101.4, 7102, 7102.3, 7102.4, 7103, 7103.3, and 7103.4 of said code are hereby repealed.

SEC. 31. Section 7109.21 of said code is amended to read:

Growth allowances One-school elementary school districts

7109.21. Notwithstanding any provisions of this article to the contrary, allowances for growth for elementary school districts maintaining only one elementary school with a total average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall be computed pursuant to this section.

The provisions of subdivisions (a), (b), (c), and (d) of Section 7032 for average daily attendance and number of teachers hired shall apply to such districts.

No allowance for growth shall be made for such a district unless the excess units of average daily attendance for the period of the current fiscal year over units of average daily attendance of the corresponding period of the preceding fiscal year is sufficient to place the district within the requirements of a different subdivision of Section 7032, or is sufficient to place the district outside of the requirements of any of the subdivisions of Section 7032.

If the excess is sufficient to place the district within the requirements of a different subdivision of Section 7032 an apportionment for growth shall be made only if there has been employed for the school during the period of the current fiscal year the number of teachers required by the subdivision of Section 7032 which is applicable to the district according to its average daily attendance during the period of the current fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school.

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

If the excess is sufficient to place the district outside of the requirements of any of the subdivisions of Section 7032, the Superintendent of Public Instruction shall deem the average daily attendance of the district during the preceding fiscal year

to have been 100 and he shall compute an allowance pursuant to Section 7109.2 with respect to the units of average daily attendance during the period of the then current fiscal year which are more than 100.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for each period of the then current fiscal year in the seventh and eighth grades of a junior high school exceeds such average daily attendance for the same period during the preceding fiscal year the following: for the first period, the sum of two hundred eighteen dollars ($218) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of pupils attending the seventh or eighth grades of a junior high school, or two hundred twenty dollars ($220) if the total average daily attendance of the district during the preceding fiscal year was 901 or more, exclusive of pupils attending the seventh or eighth grades of a junior high school, multiplied by the ratio of days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175 and, for the second period, the sum of two hundred eighteen dollars ($218) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of pupils attending the seventh and eighth grades of a junior high school, or two hundred twenty dollars ($220) if the total average daily attendance of the district during the preceding fiscal year was 901 or more exclusive of pupils attending the seventh and eighth grades of a junior high school, multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

SEC. 32. Section 7111 of said code is amended to read:

Computation Maximum allowances

7111. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Articles 5 and 6 (commencing with Sections 7041 and 7046, respectively), of this chapter, to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Section 7018.1 and Articles 12, 13, and 14 (commencing with Sections 7101.1, 7102.1, and 7103.1, respectively), of this chapter shall not exceed the amount provided by law therefor.

SEC. 33. Section 7112 of said code is amended to read:

Increased allowances

7112. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Articles 5, 6, 7, 8, 9, 11, and 11.1 of this chapter on account of average daily attendance

during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 7119.

SEC. 34. Section 7113 of said code is amended to read:

Same

7113. If the total amount allowed from the State School Fund to all school districts and county school service funds under Section 7018.1 and Articles 12, 13, and 14 (commencing with Sections 7101.1, 7102.1, and 7103.1, respectively) of this chapter on account of average daily attendance during the preceding fiscal year is less than the total amount provided by law for such purposes, the balance shall be allowed pursuant to Section 7119.

Repeal

SEC. 35. Section 7114 of said code is hereby repealed.

SEC. 36. Section 7115 of said code is amended to read:

Reduction in apportionment

7115. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Articles 5, 6, 7, 8, 9, 11, and 11.1 of this chapter on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

SEC. 37. Section 7116 of said code is amended to read:

Same High school districts

7116. If the total amount allowed from the State School Fund to all districts and county school service funds under Section 7018.1 and Articles 12, 13, and 14 (commencing with Sections 7101.1, 7102.1, and 7103.1, respectively) of this chapter on account of average daily attendance during the preceding fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said section and articles shall be reduced proportionately.

SEC. 38. Sections 7117 and 7118 of said code are hereby repealed.

SEC. 39. Section 7119 of said code is amended to read:

Allowance of balance

7119. If the total amount allowed county school service funds under Article 2 (commencing with Section 7001) of this chapter is less than the amounts provided by Section 7001 the balance shall be added to the balances resulting from the application of Sections 7019, 7109.43, 7112, 7113, and subdivision (b) of Section 7121.2. The total of such balances shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 7115 applied. The increased allowances shall not exceed the amounts computed under Articles 5, 6, 7, 8, 9, 11, and 11.1 of this chapter The increase for each elementary, high school, or junior college district shall be an amount that

bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 7109.41, 7109 42, 7116, and subdivision (a) of Section 7019.

(c) Thereafter, to allow any remaining balance as additional state equalization aid to the districts that were allowed state equalization aid pursuant to Article 11 of this chapter during the then current fiscal year. The amount of additional state equalization aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts receiving equalization aid.

SEC. 40. Section 7121.1 of said code is amended to read:

Withholding of portion

7121.1. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 7032 or 7034 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 7032 or 7034 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Articles 7 and 11 and the amount that would have been allowed had the computation for the district under Section 7032 or 7034 been made by multiplying the total average daily attendance by two hundred eighteen dollars ($218).

SEC. 41. Section 7122 of said code is amended to read:

Special purpose apportionment

7122. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Articles 3, 12, 13, and 14 and subdivision (a) of Section 7121.2 of this chapter. This apportionment shall be called the special purpose apportionment.

SEC. 42. Section 7125.1 of said code is amended to read:

Withholding portion Elementary school districts

7125.1. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivision (a) of Section 7000. The amount withheld shall be the larger of the following amounts:

(a) One hundred twenty-five dollars ($125) per unit of average daily attendance in grades 7 and 8 of the junior high school.

(b) An amount determined by the following process:

(1) Divide the district aid computed under Section 7081 or the amount which would have resulted had the tax used for such computation been one dollar and thirty-five cents ($1.35), whichever amount was used in computing equalization aid ap-

portioned to the district, by the units of average daily attendance in kindergarten and grades 1 through 8;

(2) Subtract the quotient resulting from the computation in subparagraph (1) from the amount allowed per unit of average daily attendance as a foundation program for units of average daily attendance in grades 7 and 8 in the district;

(3) Multiply the result obtained in subparagraph (2) by the units of average daily attendance in grades 7 and 8 in a junior high school.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

SEC. 43. Section 7143 of said code is amended to read:

High school courses

7143. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of this division, considered average daily attendance in high school classes maintained by a high school district and apportionments of one hundred twenty-five dollars ($125) per unit of average daily attendance, and no more, on account of such average daily attendance shall be made to the elementary school district.

SEC. 44. Section 13842 of said code is amended to read:

Minimum teachers salaries

13842. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than four thousand two hundred dollars ($4,200).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to four thousand two hundred dollars ($4,200) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

Urgency

SEC. 45. 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 to meet the urgent needs of the Public School System of this State for additional financial support and to assure that the children of this State will receive the adequate education necessary to become good citizens it is necessary that this act take effect immediately.

SEC. 46. The State Department of Education shall report to the Legislature at the beginning of the 1959 Regular Session concerning the operation, effect, administration, adequacy, and needed revision of laws relating to the subject of the support of the Public School System, including in the report its recommendations for appropriate legislation. Report

SEC. 47. The sections of the Education Code declared by this act to be repealed are deemed to be superseded until July 1, 1959. On and after July 1, 1959, the provisions of this act superseding, adding, or amending sections of the Education Code shall be ineffective and the sections of the code affected by this act, as they existed prior to the effective date of this act, shall have the same force and effect as though this act had not been enacted. Operative date

CHAPTER 1074

An act to repeal Chapter 1714, Statutes of 1955, and the second Section 2 of Chapter 1649, Statutes of 1953, relating to the State Employees' Retirement System.

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957 [

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 1714, Statutes of 1955, is repealed.

SEC. 2. The second Section 2 of Chapter 1649, Statutes of 1953, is repealed.

CHAPTER 1075

An act making an appropriation for acquisition of real property, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of six hundred fifty thousand dollars ($650,000) is hereby appropriated from the Capital Outlay and Savings Fund in the State Treasury to the Department of Finance for the acquisition of real property in the City of Sacramento. Such property shall be acquired under the provisions of the Property Acquisition Law.

SEC. 2. This act is hereby declared to be an urgency measure necessary to the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the State Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The shortage of state-owned office space in the City of Sacramento has resulted in inefficient operation of agencies which must be located in leased space. The acquisition of a site for additional office space is necessary in order that additional office space may be constructed for the immediate preservation of the public peace and safety.

CHAPTER 1076

An act relating to the sale, exchange, other disposition, or administration of state property, and providing for the disposition of the proceeds from such sale or exchange and for accomplishing the purposes of this act.

In effect September 11, 1957

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance is hereby authorized to sell, exchange or otherwise dispose of, for value, and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interests of the State, the following real property:

Parcel 1. Fresno Warehouse, Division of Forestry, Department of Natural Resources, being a portion of Lots 14 and 15, North Villa Tract in the City of Fresno, County of Fresno, State of California.

Parcel 2. Gridley Fire Control Station, Division of Forestry, Department of Natural Resources, comprising approximately one acre and being a portion of Lot 32, Gridley Colony No. 3 in the County of Butte, State of California.

Parcel 3. Approximately three acres of land at the site for the San Fernando State Hospital, being a portion of Block 10 of the Maclay Rancho, ex-Mission of San Fernando, in the City of Los Angeles, County of Los Angeles, State of California.

Parcel 4. Blythe Warehouse Site, Department of Fish and Game, being Lots 18 and 19 in Block 8 of Walsh Subdivision in the City of Blythe, County of Riverside, State of California. Proceeds from the sale of this property shall be paid into the Fish and Game Preservation Fund.

Parcel 5. Madeline Plains Waterfowl Management Area, Department of Fish and Game, comprising approximately 5,216 acres in Lassen County, State of California. Proceeds shall be paid as follows:

First, into the Fish and Game Preservation Fund to the credit of the then current Budget Act Appropriation for cooperation with the Federal Government under the provisions of the Pittman-Robertson Act, Department of Fish and Game, to the extent of federal funds that have been expended on the area for land acquisition and development under provisions of the Pittman-Robertson Act.

Second, into the Wildlife Restoration Fund in amount of thirty thousand eight hundred sixty-eight dollars ($30,868).

Third, the remaining balance into the Fish and Game Preservation Fund.

Parcel 6. Approximately 760 acres in Township 7 North, Range 4 West, M. D. B. & M., County of Napa, State of California, being a portion of the property known as the Veterans Home, Department of Veterans Affairs.

Parcel 7. The San Lorenzo Egg Collecting Station, Department of Fish and Game, comprising approximately one-third of an acre situate in the northeast quarter of Section 30, Township 9 South, Range 2 West, M. D. B. & M., County of Santa Cruz, State of California. As to this parcel the Director of Finance, with the consent of the Director of Fish and Game, is authorized to quitclaim to the original grantors, their heirs and assigns, all right, title and interest of the State of California thereto.

Parcel 8. Property known as "The Rock," being a portion of Potrero Nuevo Block 93, City and County of San Francisco. Proceeds from the sale of this property shall be paid into the College Auxiliary Enterprise Fund to the credit of San Francisco State College to be used for the benefit of men students.

Parcel 9. That portion of Chicken Ranch Island (being also a portion of parcels 38A and 13AS of the Stockton Deep Water Channel Project) lying south of the southerly Stockton Deep Water Channel line, in San Joaquin County.

Parcel 10. All right, title, interest, and estate of the State of California, to rights-of-entry, easements, and rights of way to lay, erect, construct, maintain, and repair dams and pipelines for the purposes of diverting, storing, transporting, and conducting water, in, to, across, and upon Lots 76, 79, and 88, Yokayo Rancho, Mendocino County, acquired by the State of California, by conveyance dated May 8, 1893, Mrs. C. E. Diddle to C. O'Connor, T L. Carothers, M. Gardner and J. H. Seawell, Directors of the Mendocino Asylum, and conveyance dated February 7, 1891, between L. M. Ruddick and the State of California, and conveyance dated December 9, 1889, between Samuel Diddle and the State of California.

Parcel 11. The Department of Motor Vehicles Building and site on Third Street between Arrowhead Avenue and Mountain View Avenue in the City of San Bernardino, County of San Bernardino, State of California. Proceeds from the sale of this property shall be paid into the Motor Vehicle Fund.

SEC. 2. Notwithstanding Section 6503 of the Welfare and Institutions Code, the Director of Finance, with the consent of the Department of Mental Hygiene, is hereby authorized to grant a right of way for road purposes to the County of Mendocino over and along the southeasterly portion of the Mendocino State Hospital property upon such terms and conditions and with such reservations and exceptions as in

the opinion of the Director of Finance may be for the best interests of the State.

SEC. 3. Any costs or expenses necessarily incurred in the sale or other disposition of any parcel herein referred to shall be reimbursed from the proceeds of such sale or disposition.

SEC. 4. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission.

SEC. 5. Prior to the sale of parcels of property for value pursuant to this chapter, notice thereof shall be published pursuant to Government Code Section 6061 in a newspaper published in the county in which the real property to be sold is situated, and if there is no newspaper published in such county, notice shall be published in a newspaper published in an adjoining county and shall be posted in at least three public places in the county in which the real property to be sold is situated, including one posting on the subject property; provided, this requirement shall not be applicable to the disposition of said parcels to any federal, state or local governmental agency or to the disposition of parcels 7, 9, and 10 above.

SEC. 6. Notwithstanding the provisions of Section 5 of Chapter 724, Statutes of 1947, the Director of Finance is authorized, upon such terms and conditions as in his opinion are for the best interests of the State, to execute such instruments as may be necessary to relinquish any right the State may have to disturb the surface, or the ground within 100 feet of such surface, of any real property heretofore conveyed by the State under said chapter, and the Director of Finance is authorized to include such provision in any conveyance hereafter made under said chapter.

CHAPTER 1077

An act to add Article 8 (commencing at Section 4401) to Chapter 13 of Division 2 of the Education Code, relating to the withdrawal of joint union high school districts from junior college districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 is added to Chapter 13 of Division 2 of the Education Code, to read:

Article 8. Withdrawal of Joint Union High School Districts

Withdrawal

4401. Any joint union high school district which is a part of a junior college district as a result of proceedings initiated by petition presented to the State Board of Education, and

which petition was signed by an interim governing board of the joint union high school district, may withdraw from the junior college district in the manner prescribed by this article.

Petition

4402. A petition signed by a majority of the registered electors residing in the joint union high school district shall be presented to the county board of supervisors of the county in which the greatest portion of the assessed valuation of the joint union high school district is situated asking for the exclusion of such district from the junior college district.

Affidavit

4403 The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

Jurisdiction

4404. Upon the filing with it of the petition, the board of supervisors shall have jurisdiction to hear and determine the petition.

Hearing

4405. The board of supervisors shall at the next regular meeting of the board, hear all persons interested in the petition and may continue the hearing from time to time but not for more than two weeks in all. If it approves the petition it shall, by an order entered upon its minutes, exclude the joint union high school district from the junior college district.

Indebtedness

4406. No high school district shall be excluded from a junior college district pursuant to this article if the junior college district has any outstanding bonded indebtedness on the date of the hearing of the petition.

Board order

4407. The order of the board of supervisors excluding a joint union high school district from a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the governing board of the junior college district and to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Filing

4408. Before any signatures are obtained to the petition asking for the exclusion of the joint union high school district from the junior college district, a copy of the text of the petition may be filed with the board of supervisors of the county whose county superintendent of schools has jurisdiction over the junior college district, and the withdrawal proceedings shall be deemed to be pending from the date of such filing.

During the first 90 days that the proceedings are pending for the withdrawal of a joint union high school district from a junior college district, no election shall be called, held, or conducted in the junior college district for the purpose of authorizing the issuance of bonds of the junior college district

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law junior college districts are formed to take effect for all purposes on the first day of July succeeding the date the action for the formation of such districts is completed if such action is completed before the preceding first day of February of that year. Since it is imperative that problems relating to school district organization be settled at the earliest possible moment following this formation so that such districts may function in an orderly manner, it is necessary that this act take effect immediately.

CHAPTER 1078

An act to amend Sections 18531 and 19120 of the Government Code, relating to short-term employment in the state civil service.

In effect September 11, 1957

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18531 of the Government Code is amended to read:

"Emergency employee"

18531. "Emergency employee" means an employee holding a position under emergency appointment. "Emergency appointment" means an appointment made for a period not to exceed 30 working days either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work.

SEC. 2. Section 19120 of said code is amended to read:

19120. The appointing power, to prevent the stoppage of public business when an actual emergency arises, or because the work will be completed within 30 working days, may make emergency appointments for a period not to exceed 30 working days without utilizing persons on employment lists and, if necessary, without regard to existing classes. The method of selection and the qualification standards for an emergency employee shall be determined by the appointing power. The frequency of appointment and length of employment of an individual under emergency appointments shall be restricted by the board by rule so as to prevent the use of emergency appointments to circumvent employment lists.

Selection and qualification

Service under emergency appointment shall be credited for purposes of layoff, vacation, sick leave and salary adjustment only if and as provided by board rule.

CHAPTER 1079

An act to add Section 710.3 to the Vehicle Code, relating to trailer coaches.

[Approved by Governor June 20, 1957. Filed with Secretary of State June 21, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 710.3 is added to the Vehicle Code, to read:

710.3. Permits for Moving Overwidth Trailer Coaches Overwidth trailer coaches

(a) The State Department of Public Works with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant to move a trailer coach in excess of the maximum width otherwise provided for in this code, but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 694.01 and 694.02, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for any such permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(d) The State Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which the trailer coach described may be moved on the highways indicated, and may require such undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from such operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall not have a gross weight in excess of 18,000 pounds.

3. A permit which has been issued for the movement of a trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on such days as are declared to be legal holidays by the State of California.

(f) The Department of Public Works shall have the authority to establish such other reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with the provisions of this section.

(g) Every such permit shall be carried in the trailer coach to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of such highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

CHAPTER 1080

An act authorizing the Department of Finance to acquire real property and construct a reservoir and water distribution facilities, pursuant to agreement with the City of San Luis Obispo, to serve state agencies and the city, and making an appropriation for such purpose, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1957. Filed with Secretary of State June 27, 1957.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Finance may pursuant to the Property Acquisition Law acquire real property for, and construct, a reservoir and appurtenant works in San Luis Obispo County for the impounding and distribution of water, pursuant to an agreement, to be executed between the Director of Finance and the City of San Luis Obispo, to serve state agencies and said city, which agreement may provide for the operation of said facilities and the disposition of water made available thereby.

SEC. 2. The sum of seven hundred twenty-six thousand six hundred dollars ($726,600) appropriated by Item 289 and the sum two million three hundred thirty-two thousand three hundred dollars ($2,332,300) payable out of Item 342 of the Budget Act of 1957, heretofore appropriated for reservoir and water distribution systems, payable out of the Capital Outlay and Savings Fund, is hereby reappropriated for the Department of Finance to carry out the provisions of this act.

All provisions of the Budget Act of 1957 are applicable to this act.

SEC. 3. 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 therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Water from the reservoir and appurtenant works authorized by this act must be made available to the California State Polytechnic College, the California Mens Colony and the City of San Luis Obispo at the earliest possible date. Acquisition of real property and construction of said facilities must therefore be commenced without delay. It is therefore necessary that this act take effect immediately.

CHAPTER 1081

An act to amend Section 14746.6 of the Education Code and Section 20520 of the Government Code, relating to retirement of school district employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1957. Filed with Secretary of State June 27, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 20520 of the Government Code is amended to read:

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 unless the agency elects in its contract or by amendment thereto to provide a recalculation of retirement allowances for persons retired under the local system on the basis of the provisions of the contract. The liability for such payments shall be included in the computation of the prior service liability of the contracting agency. All members of such local system who are members under provisions continuing membership after termination of service shall be deemed members of this system under Section 20393 with credit in this system for all of the service with regard to which such membership was continued under the local system. Local system members

SEC. 2. Section 14746.6 of the Education Code is amended to read:

14746.6. (a) Notwithstanding the provisions of Section 14746, persons other than (1) teachers and (2) other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired mem- Transfer to State Employees' Retirement System

bers of 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 transferred by the governing board of the district or districts, with the consent of the majority of such active members of the plan expressing their desires with respect to the transfer evidenced in such manner as the governing board may prescribe; but no transfer of such active and retired members shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivision (b) of this section.

(b) (1) Active and retired employees, including future employees, of the district or districts who otherwise would be members of such plan, persons who are members of the district's retirement salary plan under Section 14744 of this code, and persons who were employees on June 30, 1957, and who attained age 65 or over during the 12 months immediately preceding July 1, 1957, 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 members, together with such other assets of said plan as may be determined. The total of such other assets transferred, however, shall not be greater than the portion of the reserves of such plan which is allocable to such active and retired employees, as determined by actuarial valuation. In such valuation the portion of the reserves allocable to such active and retired employees proposed to be transferred shall be determined as an amount which bears the same ratio to the total reserves under such plan as the liabilities under the plan on account of such active and retired employees bear to the total liabilities under the plan on account of all active and retired employees thereunder. On the effective date of the contract making such active employees members of the State Employees' Retirement System, such employees shall cease to be members of such plan, and neither they nor retired persons who are made beneficiaries of such state system, shall be paid or have any right to any allowance or other benefit under such plan for time beginning with said effective date.

(2) With respect to persons who are members of such plan at such transfer, it shall be provided in the contract making such employees members of the State Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in such plan, all instead of the age at the nearest birthday at the effective date of membership in such employees' system.

(3) Each employee of the district or districts who is included in such contract, but who during all or part of his employment in a status requisite for membership in such plan was not a member thereof, because of his election under an available option, or who, while employed in a status not requisite for membership in such plan, was a member of the State Teachers' Retirement System and was contributing to that system, or who did not redeposit upon re-entry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of this subdivision (b), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never elected not to be a member thereof, or if he had been a member of such plan during the time he was a member of such State Teachers' Retirement System and was contributing thereto, or if he had redeposited such withdrawn contributions upon such reentry, as the case may be. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes such contributions, and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all the service rendered while he was not a member of such plan, because of his optional exclusion, or for service rendered while he was contributing to such State Teachers' Retirement System; provided, such service is no longer credited under such teachers' system, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of such plan at such transfer and from November 1, 1937, or later beginning date of such service Regardless of whether such contributions are made, such employee shall receive credit for service with which he was credited or would have been credited if he had been a member, as prior service under such plan. The contributions under this paragraph (3) shall be added to and administered in the same manner as the contributions transferred under paragraph (1) of this subdivision (b).

(4) Service rendered by active employees who are made members of the State Employees' Retirement System prior to or after the assumption by the district or districts of the function under which the service was rendered, but prior to the effective date of the contract making active employees such members, and the compensation for which was paid wholly or in part from funds other than the funds of the district or districts, shall be credited under such employees' system; provided, such service qualified for credit under such plan.

(5) The contract making such active employees members of the State Employees' Retirement System, shall include such employees with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for such membership, but which is no longer credited under such teachers' retirement system, and such service shall be credited in the manner applicable to service otherwise qualifying for credit

(6) Retirement allowances being paid under such plan to retired employees of the district or districts, who are made beneficiaries of the State Employees' Retirement System, shall be changed by action of the governing board of such districts, effective at such transfer, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of transfer, under such plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under such employees' system which apply to active employees who are made members thereof. Such changed allowances shall be paid to such beneficiaries for time commencing on the date they are made beneficiaries of such employees' system. No allowance shall be reduced by such change.

(7) If two or more districts under the control and management of a single governing board are participants in such plan, one contract between the board of administration and such governing board may include all such districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information.

(8) The contract making such active employees members of the State Employees' Retirement System shall provide that the service included in the calculation of the completed years of service as a basis for the portion of the basic death

benefit provided in subdivision (b) of Section 21361 of the Government Code for persons who were members of such plan at transfer, shall not be limited to service under the State Employees' Retirement System, but instead that service rendered as members of such plan shall also be included

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

Application of the state law providing for school district retirement plans or systems as amended by Chapter 264 of the Statutes of 1957 with respect to transfer of members of such plans or systems has raised a number of questions involving the retirement rights of such members who are to be transferred as of July 1, 1957. It is necessary that this act take effect immediately in order to fully protect the rights of the members to be so transferred.

CHAPTER 1082

An act to repeal Section 3 of Chapter 980, Statutes of 1955, relating to the distribution of state publications, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1957. Filed with Secretary of State June 28, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 980, Statutes of 1955, is hereby repealed.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The change in allocation of charges for the cost of printing affects the fiscal management of the Division of Printing. Chapter 980, Statutes of 1955, was enacted to provide a trial period of an alternate method of financing the cost of distributing publications required by Section 13667 of the Government Code. The alternate method of financing has proved satisfactory and it is necessary that the provision of law as amended by Chapter 980, Statutes of 1955, continue in effect July 1, 1957. It is necessary, therefore, that this bill take effect immediately.

CHAPTER 1083

An act to repeal Sections 1386 and 1387.5 of the Fish and Game Code, and repeal Sections 3209 and 3210 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to domestic game breeding.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Sections 1386 and 1387.5 of the Fish and Game Code are repealed.

NOTE: Sections 3209 and 3210 of the Fish and Game Code affected by this chapter appear in their proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect Stats 1957, Ch 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Sections 1386 and 1387.5 of the Fish and Game Code adopted in 1933 are repealed.

CHAPTER 1084

An act to add Section 20255 to the Education Code, relating to agreements for the construction of housing and other facilities at state colleges.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20255 is added to the Education Code, to read:

20255. The Director of Finance may enter into agreements with any agency of the Federal Government for the construction of housing and other educational facilities for students and faculties of any college under the jurisdiction of the Department of Education if the director determines that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the Federal Government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the director may give such security as may be required and may comply with such conditions as may be imposed by the Federal Government.

CHAPTER 1085

An act to add Section 202.5 to the Revenue and Taxation Code, relating to exemption from taxation of property under Section 1 of Article XIII of the Constitution.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 202.5 is added to the Revenue and Taxation Code, to read:

202.5. Personal property used exclusively in the performance of activities authorized by Article 2 (commencing at Section 20341), Chapter 2, Division 10 of the Education Code, whether by the college itself or by an auxiliary nonprofit corporation or student body organization with which the Director of Education has entered into a lease or contract for the performance of such activities, is deemed property used exclusively for public schools and shall be exempt from taxation.

It is hereby declared that this section is not a change in the present law but is a declaration of pre-existing law.

CHAPTER 1086

An act to amend Section 19621 of the Education Code, relating to school farms.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19621 of the Education Code is amended to read:

19621. The governing board of any school district may, for the purpose of providing practical instruction in agriculture, establish one or more school farms for any one or more of the schools of the district whenever in its judgment it is advisable to do so.

CHAPTER 1087

An act to amend Section 6826 of the Public Resources Code, relating to the State Lands Commission, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 6826 of the Public Resources Code is amended to read:

Geological, etc. 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 conducted on and under tide and submerged lands of the State; provided,

Permit

that the commission shall 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.

The commission shall require, as a condition to the issuance of any permit under this section, that the permittee make available to the commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit. Any such factual or physical exploration results, logs, or records which the permittee is required to make available to the commission shall be for the confidential use of the commission and shall not be open to inspection by any other person or agency without the written consent of the permittee.

Disclosure

It is a misdemeanor for any member of the commission, any officer or employee of the commission, or any person performing any function or work assigned to him by the commission, to disclose to any person who is not a member, officer, employee of the commission or to any person who is not performing any function or work assigned to him by the commission, any information obtained from the inspection of such factual or physical exploration results, logs, or records, or to use such information for purposes other than the administration of the functions, responsibilities, and duties vested in the commission by law, except upon the written consent of the permittee making available such information to the commission.

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:

It is imperative that the State receive as soon as possible all possible information with respect to its lands so as to enable the administering agency to perform properly its functions with respect to the granting of oil and gas leases of state lands and to protect the State's interests. This act is necessary for that purpose.

CHAPTER 1088

An act to amend Section 28155 of the Government Code, relating to compensation for public service in counties of the fifty-fifth class (which includes the County of Trinity).

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28155 of the Government Code is amended to read:

28155. In a county of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, two hundred twenty-five dollars ($225) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

CHAPTER 1089

An act to amend Section 2313 and to repeal Section 2316 of the Public Resources Code and to amend Section 3708.5 of the Revenue and Taxation Code, relating to the recording of instruments.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2313 of the Public Resources Code is amended to read:

Recordation of claim

2313. Within 90 days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or mill site claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the county recorder of the county in which such claim is situated.

Repeal

SEC. 2. Section 2316 of said code is repealed.

SEC. 3. Section 3708.5 of the Revenue and Taxation Code is amended to read:

Recordation of deed

3708.5. Upon execution the tax collector shall forthwith record said deed with the county recorder and pay the recording fees. Recording of said deed shall constitute delivery thereof to the grantee therein named.

CHAPTER 1090

An act to amend Section 538 of the Code of Civil Procedure, relating to attachment of property.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest, is less than fifty dollars ($50).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

CHAPTER 1091

An act to amend Section 28153 of the Government Code, relating to compensation for public services in counties of the fifty-third class.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28153 of the Government Code is amended to read:

28153. In a county of the fifty-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, two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year and such fees as are paid to that officer.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3.50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty

cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

CHAPTER 1092

An act to add Section 377 to the Education Code, relating to employees of county superintendents of schools.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 377 is added to the Education Code, to read:

377. If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 850 or more, each person who, after being employed for three complete consecutive school years by such superintendent in a teaching position in such schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is re-elected for the next succeeding school year to such a position in such schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

Such an employee shall have the same rights and duties as employees of school districts to which Section 13081 applies.

CHAPTER 1093

An act to add Section 16486 to the Education Code, relating to the examination of children to determine visual acuity.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 16486 is added to the Education Code, to read:

16486. Upon first enrollment of a child at school, or at the latest when the child reaches the third grade, the child's visual acuity shall be determined by the school nurse or other authorized person under Section 16482. This examination is to be made without cost to the parents. This examination may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's visual acuity.

The provision of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they

adhere to the faith or teachings of any well recognized religious sect, denomination or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

CHAPTER 1094

An act to amend Section 28131 of the Government Code, relating to compensation for public service in counties of the thirty-first class.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In a county of the thirty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(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 not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

(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 ten cents ($0.10) for each mile actually and necessarily traveled when traveling within or without the county on county business; provided, that the supervisors may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed. He shall also be allowed his other 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 ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars ($7) 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 ten cents ($0.10) a mile for each mile actually 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 1095

An act to amend Section 3634 of the Public Utilities Code, relating to highway carriers.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3634 of the Public Utilities Code is amended to read:

3634. The protection against liability shall be continued in effect during the active life of the permit. The policy of insurance or surety bond shall not be cancelable on less than thirty (30) days' written notice to the commission except in the event of cessation of operations as a highway carrier as approved by the Public Utilities Commission.

CHAPTER 1096

An act to add Sections 4126.5, 4280.1, and 4286 to the Agricultural Code, relating to unfair practices in the marketing of milk and dairy products.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4126.5 is added to the Agricultural Code, to read:

Gifts, etc Unfair practices

4126.5. The payment or gift or the offer or promise of any payment or gift of money or other thing of value by a producer or distributor, directly or indirectly or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become a wholesale customer of any distributor is an unfair practice.

SEC. 2. Section 4280.1 is added to said code, to read:

Plan's provisions

4280.1. Each such plan shall contain provisions for prohibiting producers and distributors from engaging in the unfair practices hereinafter set forth:

(a) The payment or gift or the offer or promise of any payment or gift of money or other thing of value, directly or indirectly or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become a wholesale customer of any distributor.

SEC. 3. Section 4286 is added to said code, to read:

Effect of amendment

4286. No amendment of any provision of this article shall have the effect of terminating or invalidating any provision of any stabilization and marketing plan established by the di-

rector prior to the effective date of such amendment; provided, that each such plan shall be brought into conformity with such amendment at the earliest practicable date after the effective date of such amendment.

CHAPTER 1097

An act to amend Sections 4319 and 4326.5 of the Agricultural Code, relating to milk.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4319 of the Agricultural Code is amended to read:

Administration

4319. The person named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name five representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name five representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name three representative producers from nominations made at the public hearing by the petitioning producers and three representative distributors from nominations made at the public hearing by petitioning distributors.

(d) Distributors who are also producers shall be eligible to nomination for service on, and may be named by the director to serve on the committee to administer any program for which they will be required to pay assessments, and at least one of the persons named by the director to serve on any committee to administer any program for which distributors who are also producers will be required to pay assessments shall be a distributor who is also a producer.

(e) Persons selected by the director to administer the program who resign or become ineligible to serve shall be succeeded by persons selected by the director from nominations made at the public hearing or from persons nominated at a nomination meeting called by the director to receive nominations for persons eligible to serve. If such a nomination meeting is held notice of such meeting shall be mailed to each person eligible to petition for the program as provided for in Section 4311.

SEC. 2. Section 4326.5 of said code is amended to read:

Voting

4326.5. The ballots shall be mailed to each person eligible to petition the director for the institution of the program pur-

suant to the provisions of Section 4311. The ballots shall contain or be accompanied by instructions to the persons eligible to vote as to how to mark the ballots. The instructions shall contain a statement that in order to be counted the ballots must be received by the department not later than a date specified in such instructions. The date shall be determined by the department but shall not be less than 30 days after the mailing of the ballots by the department.

CHAPTER 1098

An act to add Section 1248b to the Code of Civil Procedure, relating to damages to be allowed in condemnation proceedings.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1248b is added to the Code of Civil Procedure, to read:

1248b. Equipment designed for manufacturing or industrial purposes and installed for use in a fixed location shall be deemed a part of the realty for the purposes of condemnation, regardless of the method of installation.

CHAPTER 1099

An act to amend Section 3929 of the Elections Code, relating to ballots.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3929 of the Elections Code is amended to read:

Designation under name

3929. Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, Cali-

fornia Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. Notwithstanding any other provision of law, if upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, prior to the closing date of nominations for the general election, requests in writing a different designation which he then has the option to use under Section 3819 of this code.

In all cases words so used shall be printed in 8-point roman boldface capitals and lower-case type.

CHAPTER 1100

An act to amend Section 760 of the Probate Code, relating to probate sales of real property.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 760 of the Probate Code is amended to read:

760. The executor or administrator may enter into a written contract with any bona fide agent or broker, or multiple group of agents or brokers, to secure a purchaser for any real or personal property of the estate, which contract may provide for the payment of a commission out of the proceeds of the sale.

When said sale is confirmed to such purchaser, such contract shall be binding and valid as against the estate for an amount to be allowed by the court. By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate unless an actual sale is made and confirmed by the court.

CHAPTER 1101

An act to amend Section 18304 and to add Section 18404 to the Streets and Highways Code, relating to street lighting assessment proceedings under the Street Lighting Act of 1931.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18304 of the Streets and Highways Code is amended to read:

"Street lighting system"

18304. "Street lighting system" or "system" includes any or all appliances, poles, posts, electroliers, transformers, lighting units, lamps, cables, wires, pipes, conduits, and other suitable or necessary works or appliances for street lighting purposes. Any such street lighting system may include all or any portion of a city.

SEC. 2. Section 18404 is added to the Streets and Highways Code, to read:

Collection of assessments

18404. Where the duties of assessing property and collecting city taxes are performed for a city by the county assessor and the county tax collector in a manner provided by law, cities and counties may enter into an agreement whereby special assessments may be collected at the same time and in the same manner as county taxes are collected and all laws applicable to the levy, collection and enforcement of county taxes shall be and are hereby made applicable to such special assessments. The amount of the compensation to be paid a county for the collection of such assessments shall be provided for in the agreement.

CHAPTER 1102

An act to amend Sections 1823 and 1825 of the Education Code, Sections 6580, 14654, and 20063 of the Health and Safety Code, Section 10630 of the Public Resources Code, and Sections 21650 and 41300 of the Water Code, relating to local elections.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1823 of the Education Code is amended to read:

Local elections Date of

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 Tuesday 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 Tuesday in May of the following year.

SEC. 2. Section 1825 of said code is amended to read:

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 Tuesday 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. 3. Section 6580 of the Health and Safety Code is amended to read:

6580. All elections of officers, after the formation of the district shall be held on the second Tuesday in September.

SEC. 4. Section 14654 of said code is amended to read:

14654. After the first election, an election shall be held each year on the last Tuesday in March at which one director shall be elected.

SEC. 5. Section 20063 of said code is amended to read:

20063. On the first Tuesday of April of the year next succeeding the first election, and on the first Tuesday of April annually thereafter, one commissioner shall be elected for a term commencing on the next succeeding Monday in the same month and terminating at the end of three years and when his successor is elected and has qualified.

SEC. 6. Section 10630 of the Public Resources Code is amended to read:

10630. A general district election shall be held in each district on the first Tuesday in February in each odd-numbered year. At the election a successor shall be chosen to each director whose term expires the following March.

SEC. 7. Section 21650 of the Water Code is amended to read:

21650. A general election shall be held in each district on the first Tuesday in February in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire in the following March.

SEC. 8. Section 41300 of said code is amended to read:

41300. An election, known as the general water storage district election, shall be held in each district on the first Tuesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term expires in March next thereafter.

CHAPTER 1103

An act to add Sections 3211.93a and 4354.5 to the Labor Code, relating to workmen's compensation.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3211.93a is added to the Labor Code, to read:

"Disaster service"

3211.93a. "Disaster service" does not include any activities or functions performed by a person if the disaster council with whom such person is registered receives a fee or other compensation for the performance of such activities or functions by such person.

SEC. 2. Section 4354.5 is added to said code, to read:

Employment relation

4354.5. If any person registered as a disaster service worker performs activities or functions for a disaster council and the disaster council receives a fee or other compensation for the performance of such activities or functions by such person, such person shall constitute an "employee" and the disaster council shall constitute an "employer" as defined in this division, and all of the provisions of this division except this chapter shall apply to such persons and disaster councils with respect to such functions and activities.

CHAPTER 1104

An act to add Section 7065.1 to the Business and Professions Code, relating to contractors' licensing examinations.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. 7065.1 is added to the Business and Professions Code, to read:

7065.1. Any person found guilty of violating Sections 7028, 7028.5, 7029, and 7030 of this chapter shall not be qualified to take a written or oral examination for a contractor's license for a period of six months from the date of his conviction unless the registrar finds good cause exists to waive the application of this section.

CHAPTER 1105

An act to repeal Section 2830 of the Elections Code, relating to powers and duties of the state central committee of political parties.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2830 of the Elections Code is hereby repealed.

CHAPTER 1106

An act to amend Section 15 of the Los Angeles County Flood Control Act, relating to district work.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 15 of the Los Angeles County Flood Control Act is hereby amended to read as follows:

Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of ten thousand dollars ($10,000), shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said board shall require the successful bidder or bidders to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter, and shall also have the right to reject any and all bids not suitable to the best interests of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of ten thousand dollars ($10,000), or the work consists of channel protection, dam protection, temporary work, maintenance work, or of emergency work when necessary in order to protect life and property from impending

Contracts

flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by force account. It shall be the duty of the purchasing agent of Los Angeles County, and ex officio the purchasing agent of Los Angeles County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases costing less than ten dollars ($10), and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed six thousand five hundred dollars ($6,500). Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within 30 days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 1107

An act to amend Section 1301 of, and to add Section 8044 to, the Education Code, relating to the powers of school boards, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1301 of the Education Code is amended to read:

1301. The governing board of any school district, except a junior college district, may employ a district superintendent for one or more schools employing eight teachers or more. The governing board of a junior college district may employ a district superintendent regardless of the number of teachers employed. District superintendent

SEC. 2. Section 8044 is added to said code, to read:

8044. The governing board of any school district may lease property from the Federal Government for the purpose of constructing school buildings and facilities thereon for a term not to exceed 99 years. Subject to the approval of the Superintendent of Public Instruction, such lease shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the agency of the Federal Government executing such lease. Lease from Federal Government

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

Many new junior colleges have been established or are being established and it is essential that superintendents be employed on July 1st at the commencement of the fiscal year so that courses of studies may be planned, faculties established, and other provisions be made for the operation of such junior colleges during that year.

CHAPTER 1108

An act to amend Section 2804 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2804 of the Streets and Highways Code is amended to read:

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year of its incorporation, and the proposed improvements are substantially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city, and said city has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvement have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who appear to be such upon the assessor's roll at the time that said petition is filed with the clerk or secretary of said legislative body. If any person signing said petition appears on said roll as an owner of property as a joint tenant or tenant in common, said property shall be counted as if all such tenants had duly signed.

CHAPTER 1109

An act to amend Section 1030 of the Unemployment Insurance Code, relating to employer reserve accounts.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive

notice of computation may, within 15 days after mailing of such notice of computation, 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.

(c) 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.

CHAPTER 1110

An act to add Section 18617 to the Education Code, relating to the letting of school district property.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18617 is added to the Education Code, to read:

18617. The governing board of any school district may, without complying with any other provision of this article, let in the name of the district any buildings, grounds, or space therein not needed for school purposes upon such terms and conditions as may be agreed upon by the governing board of the district and the lessee thereof for a period not exceeding five separate or consecutive calendar days or portions thereof in each fiscal year.

CHAPTER 1111

An act to amend Section 9614 of the Education Code, relating to credentials for teachers of physically handicapped minors.

[Approved by Governor July 2, 1957 Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

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 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

CHAPTER 1112

An act to amend Section 9806 of the Education Code, relating to credentials for teachers of mentally retarded minors.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9806 of the Education 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 20 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

CHAPTER 1113

An act to amend Section 222.5 of the Labor Code, relating to employees' medical examinations.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 222.5 of the Labor Code is amended to read:

222.5. No person shall withhold or deduct from the compensation of any employee, or require any prospective employee or applicant for employment to pay, any fee for, or cost of, any pre-employment medical or physical examination taken as a condition of employment, nor shall any person withhold or deduct from the compensation of any employee, or require any employee to pay any fee for, or costs of, medical or physical examinations required by any law or regulation of federal, state or local governments or agencies thereof.

CHAPTER 1114

An act to amend Sections 16141 and 19301.1 of the Education Code, relating to school food service.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 16141 of the Education Code is amended to read:

16141. The governing board of any school district may authorize any organization composed entirely of pupils attending the schools of the district to maintain such activities as may be approved by the governing board. The governing board of any school district may by resolution authorize student organizations to sell food; provided, that in elementary or high schools no food items prepared on the premises shall be sold by such student organizations during the school day. The Superintendent of Public Instruction by regulation shall determine the food items requiring preparation. Student organizations

SEC. 2. Section 19301.1 of said code is amended to read:

19301.1. The term "cafeteria" as used in this code is considered synonymous with the term "food service." "Cafeteria"

CHAPTER 1115

An act to amend Sections 1821, 4104, and 4234 of; to repeal Sections 4102 and 4105 of; and to add Sections 4105, 4105.1, 4105.2, 4105.3, 4105.4, 4105.5, and 4231.2 to, the Education Code, relating to school districts.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1821 of the Education Code is amended to read:

1821. Within 15 days after the action necessary for the formation of any elementary or union school district is completed, the county superintendent of schools shall appoint an interim governing board. Interim governing board

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.

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.

Repeal

SEC. 2. Sections 4102 and 4105 of said code are repealed.

SEC. 3. Section 4104 of said code is amended to read:

Trustee areas

4104. The county committee on school district organization, upon petition of the governing board of any junior college district, may provide for trustee areas in junior college districts or the rearrangement of trustee areas in the same manner as trustee areas may be provided for in unified districts under Sections 4905 to 4909, inclusive. The governing board of a junior college district shall be composed of five or seven members elected for a four-year term when trustee areas are provided under this section.

SEC. 4. Section 4105 is added to said code, to read:

Governing boards

4105. In every junior college district formed pursuant to Chapter 13 of this division there shall be a governing board of five members elected at large from the district to serve a term of four years, except that if trustee areas are formed the governing board shall consist of a member from each trustee area elected by the voters of the entire district.

SEC. 5. Section 4105.1 is added to said code, to read:

Elections

4105.1. Upon the formation of a junior college district the county superintendent of schools having jurisdiction shall call and set the date of an election for the purpose of electing the governing board of the district. Such call shall be issued not later than 30 days after the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

SEC. 6. Section 4105.2 is added to said code, to read:

Terms of office

4105.2. The first members of the governing board shall take office on the first day of the second month following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

SEC. 7. Section 4105.3 is added to said code, to read:

Officers

4105.3. At the initial meeting of the governing board of a newly formed junior college district it shall elect one of its members as chairman, and shall designate a secretary.

Terms of office

When the number on the governing board is five (5) the term of office of each member of the first governing board shall be determined by lot. The term of one member shall expire on June 30th of the year following his election; the term of one member shall expire on June 30th of the second year fol-

lowing his election and the term of one member shall expire on June 30th of the third year following his election; and the terms of two members shall expire on June 30th of the fourth year following their election.

In the event that provision is made for a governing board of seven (7) members, the governing board shall determine by lot the term of office of each member of the first governing board. The term of one member shall expire on June 30th of the year following his election; the terms of two members shall expire on June 30th of the second year following their election; the terms of two members shall expire on June 30th of the third year following their election; and the terms of two members shall expire on June 30th of the fourth year following their election.

SEC. 8. Section 4105.4 is added to said code, to read:

Vacancies

4105.4. Any vacancy on the governing board of a junior college district shall be filled by appointment of the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree, the county superintendent of schools shall appoint a person to fill the vacancy for the remainder of the unexpired term.

SEC. 9. Section 4105.5 is added to said code, to read:

Recall

4105.5. Governing board members may be recalled in the manner provided in Articles 3 and 4 of Chapter 4 of this division.

SEC. 10. Section 4231.2 is added to said code, to read:

Junior college districts

4231.2. A junior college district may be formed to include all the territory of an existing junior college district and one or more high school districts if all such districts are contiguous.

SEC. 11. Section 4234 of said code is amended to read:

Same

4234. The governing board of any high school district or the governing boards of two or more contiguous high school districts, or the governing board of an existing junior college district and the governing board of one or more contiguous high school districts, may present to the State Board of Education a petition in the form prescribed by the Superintendent of Public Instruction, asking permission to call an election for the formation of a junior college district to include all the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed junior college district, and shall state whether five or seven members shall constitute the governing board of the district if formed. The Superintendent of Public Instruction shall make or cause to be made a survey of the proposed junior college district and of high school districts contiguous to the proposed junior college district, which may appropriately be included in the proposed district and the proposal to form trustee areas.

CHAPTER 1116

An act to amend Section 13004 of the Education Code, relating to notices of employment.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 13004 of the Education Code is amended to read:

13004. The county superintendent of schools shall be given immediate notice in writing by the governing board of the district of the employment of persons for positions requiring certification qualifications. The notice shall include but not be limited to such data as may be prescribed by the Superintendent of Public Instruction, in regulations he is herewith authorized to adopt.

CHAPTER 1117

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.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

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 1959 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 1118

An act to add Section 201.5 to the Labor Code, relating to payment of wages.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 201.5 is added to the Labor Code, to read:

201.5. An employer who lays off a group of employees engaged in the production of motion pictures whose unusual or uncertain terms of employment require special computation in order to ascertain the amount due, shall be deemed to have made immediate payment within the meaning of Section 201 if the wages of such employees are paid within such reasonable time as may be necessary for computation or payment thereof; provided, however, that such reasonable time shall not exceed 24 hours after discharge excluding Saturdays, Sundays, and holidays; and provided further, such payment may be mailed and the date of mailing is the date of payment.

The Legislature finds and determines that special provision must be made for the payment of wages on discharge of persons engaged in the production of motion pictures because their employment at various locations is often far removed from the employer's principal administrative offices and the unusual hours of their employment in this industry is often geared to the completion of a portion of a picture which time of completion may have no relation to normal working hours.

CHAPTER 1119

An act to add Section 167 to the Penal Code, relating to privacy of grand and trial jury proceedings.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 167 is added to the Penal Code, to read:

167. Every person who, by any means whatsoever, wilfully and knowingly, and without knowledge and consent of the jury, records, or attempts to record, the proceedings or any portion thereof of any grand or trial jury while such jury is deliberating or voting, or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or trial jury of which he is not a member while such jury is deliberating or voting is guilty of a misdemeanor.

This section is not intended to prohibit the taking of notes by a grand or trial juror in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

CHAPTER 1120

An act to add Section 28156.1 to the Government Code, relating to compensation for public service in counties.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28156.1 is added to the Government Code, to read:

28156.1. Notwithstanding the provisions of Section 28156, in a county of the fifty-sixth class, each supervisor shall receive two thousand four hundred dollars ($2,400) a year for all services rendered as supervisor and member of the board of equalization. He shall also receive six cents ($0.06) for each mile traveled on county business, not to exceed thirty dollars ($30) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

CHAPTER 1121

An act to add Article 9.6 (commencing at Section 11265) to Chapter 2 of Part 3 of Division 6 of, and to add Section 10001.3 to, the Water Code, relating to the American River Development.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 9.6 is added to Part 3 of Division 6 of the Water Code, to read:

Article 9.6. American River Development

American River Development

11265. The American River Development, as described in Public Law 356 of the Eighty-first Congress, First Session, and as constructed by the Federal Government.

SEC. 2. Section 10001.3 is added to said code, to read:

Same

10001.3. The American River Development, as described in Public Law 356 of the Eighty-first Congress, First Session, and as constructed by the Federal Government, is part of the State Water Plan.

CHAPTER 1122

An act to amend Section 1203 of the Fish and Game Code, and amend Section 3681 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to fish and game and particularly hunting in Districts 8 and 9.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Fish and Game Code is amended to read:

1203. In Districts 8 and 9, it is unlawful to take ducks or geese in any manner below the incoming or outgoing tidewater's edge or from any blind, boat, floating device, island, islet, or exposed tidal flat except on Saturdays, Sundays, Wednesdays, holidays and the opening and closing days during the prescribed open season except that the use of boats is permitted to retrieve crippled or dead birds.

Ducks or geese

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 1203 of the Fish and Game Code adopted in 1933 is repealed

Effect Stats 1957, Ch. 456

CHAPTER 1123

An act to add Section 55503.5 to the Water Code, relating to county waterworks districts.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 55503.5 is added to the Water Code, to read:

55503.5 Notwithstanding any other provisions of law, such funds, when so borrowed by a waterworks district, shall forthwith increase the appropriations of the district for which they are needed. The board of supervisors may specify the date and manner in which the funds shall be repaid. In no case shall repayment of the loan be deferred longer than five calendar years.

CHAPTER 1124

An act to amend Sections 1403 and 2767 of the Unemployment Insurance Code, relating to the unemployment compensation and unemployment compensation disability benefit rights of trainees.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1403 of the Unemployment Insurance Code is amended to read:

"Trainee" 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 1959 Regular Session of the Legislature.

SEC. 2. Section 2767 of said code is amended to read:

Same 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 1959 Regular Session of the Legislature.

CHAPTER 1125

An act to add Section 374a to the Penal Code, relating to dumping on highways or private property.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 374a is added to the Penal Code, to read:

374a. Any city or county may offer and pay rewards for the giving of information leading to the arrest and conviction of any person for a violation of Section 374b of this code.

CHAPTER 1126

An act to amend Section 10505 of the Insurance Code, relating to insurance

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 10505 of the Insurance Code is amended to read:

10505. (A) A labor union having all of the following characteristics is exempt from the provisions of this code relating to life and disability insurance in respect to the benefits herein specified and transactions connected therewith:

1. It is composed of members of one craft or industry or allied crafts or industries.

2. It is organized for the purpose of collective bargaining concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and for the mutual benefit of its members and not for profit.

3. Either (a) it does not issue policies but provides for payment of such benefits in its by-laws, constitution or rules and regulations; or (b) it limits its membership to one hazardous occupation.

4. Such payment of benefits is incidental to the purposes of such union.

(B) Any incorporated organization, the membership and insurance in which are restricted to members of such a labor union and the officers of which are the officers of the labor union, is likewise exempt from the provisions of this code to the same extent as such labor union.

(C) Any organization described in either subsection (A) or subsection (B) of this section is also exempt from all provisions of this code relating to insurance protecting against wage losses from any cause in respect to the benefits promised, not exceeding three thousand dollars ($3,000) in the aggregate for any one loss and the transactions connected therewith.

CHAPTER 1127

An act to amend Sections 74802, 74803, and 74805 of the Government Code, relating to the municipal court established in a district embracing the City of Stockton.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 74802 of the Government Code is amended to read:

74802. There shall be one administrative officer and clerk who shall also act as secretary to the judges and who shall receive a minimum salary of five hundred seventy-eight dollars ($578) monthly with annual increments of thirty-two dollars ($32), thirty-four dollars ($34), thirty-six dollars ($36), and thirty-eight dollars ($38) to a maximum of seven hundred eighteen dollars ($718) monthly. Salaries Clerk

SEC. 2. Section 74803 of said code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy, who shall receive a minimum salary Deputy clerk

of four hundred eighteen dollars ($418) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighteen dollars ($518) monthly.

Same, grade IV

(b) Seven deputy clerks IV, each of whom 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.

Same, grade III

(c) Four deputy clerks III, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred fifty-six dollars ($356) monthly.

Same, grade II

(d) Three deputy clerks II, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred thirty-seven dollars ($337) monthly.

Same, grade I

(e) Six deputy clerks I, 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.

Prior service

All persons employed by the court on the effective date of the 1957 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.

All annual increments becoming due after the effective date of the 1957 amendment of this section shall be subject to the recommendation of and approval by the clerk.

SEC. 3. Section 74805 of said code is amended to read:

74805. The marshal may appoint:

Salaries Chief deputy marshal

(a) One chief deputy marshal 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.

Senior deputy marshal

(b) One senior deputy marshal who shall receive a minimum salary of three hundred fifty-six dollars ($356) 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 forty-one dollars ($441) monthly.

(c) Two deputy marshals, grade III, each of whom shall receive a minimum salary of three hundred twenty dollars ($320) 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 ninety-six dollars ($396) monthly. Deputy marshals, grade III

(d) One deputy marshal, grade II, who 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. Same, grade II

(e) One deputy marshal, grade I, 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 seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320) monthly. Same, grade I

(f) Ten deputies who shall be custodians at the fee allowed by law for the keeping of property. Deputies

Persons employed by the marshal's office on 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. Prior service

---

CHAPTER 1128

An act to add Section 14575.5 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14575.5 is added to the Education Code, to read:

14575.5. Anything in Section 14575 to the contrary notwithstanding, the benefits provided therein, except as otherwise provided, shall be payable upon receipt of proof of a member's death which occurred (a) while he was employed in a status requisite for membership in this retirement system, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Section 14638 he is to be considered as an active member at the time of death, or (b) while he was serving in the active military service of the United States or in any other service stated in Section 14449; provided, that

time in such service will qualify for credit as service under this retirement system, or (c) while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from the last day for which compensation was paid to him, or (d) while he was on a leave of absence without compensation, granted for reason other than mental or physical incapacity for performance of his duty, and within 18 months after the last day for which such compensation was paid, or (e) within four months after the termination of the member's employment in a status requisite for membership in this retirement system; provided, first, that such death was not included within the provisions of subdivision (c), and, second, that such death does not occur more than 18 months after the last day for which compensation was paid to him.

CHAPTER 1129

An act to amend Sections 8052 and 12202 of the Education Code, relating to agreements between teacher education institutions accredited by the State Board of Education and the governing board of school districts for practice teaching and supervised field experience.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8052 of the Education Code is amended to read:

Practice teaching

8052. The governing board of any school district may enter into agreements with a state college, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirements of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered or such agreement may provide for the rendering of services to the school district of a value not to exceed the actual cost to the school district of the services rendered by the district. The Director of Education and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district as to any state college, and the University of California, respectively.

All funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

SEC. 2. Section 12202 of said code is amended to read:

Preliminary certificate

12202. A preliminary certificate shall be issued to the holder of a recommendation from a state college, the University of California, or any private university or college accredited by the State Board of Education to train teachers. The certificate shall specifically authorize the holder to do student teaching and to do supervised field experience in such areas as may be called for in the requirements of the various authorized credentials for public school service without salary from district funds, and no student teaching or supervised field experience may be performed without such a certificate. The holder shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certificated employees under whose supervision and control the holder performs his duties whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder.

CHAPTER 1130

An act to add Section 6.1 to the Hunters Point Reclamation District Act, relating to Hunters Point Reclamation District.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6.1 is added to the said Hunters Point Reclamation District Act to read as follows:

Sec. 6.1. At any time prior to the first receipt by the district of revenues from assessments, the county within which the district is located may loan any available money to the district for the purposes of organization and operation, and such loan shall constitute a proper expenditure of county funds. The board of trustees shall add the sums of money so loaned to the first amount thereafter assessed by said board, and shall repay the county for all money loaned from the first revenues received from the assessment.

CHAPTER 1131

An act to add Section 19315 to the Education Code, relating to the use of junior college cafeterias.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19315 is added to the Education Code, to read:

19315. Whenever the cafeteria in any junior college is used as a laboratory or classroom for the quantity preparation of food, the governing board may make such financial and administrative arrangements as it may see fit to cover the use of the cafeteria as a laboratory or classroom and the disposition or sale of the food prepared.

CHAPTER 1132

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 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

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 and grounds with furniture, equipment 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 1133

An act to amend Section 8159.2 of the Education Code, relating to automobile driver training.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8159.2 of the Education Code is amended to read:

8159.2. The governing board of any school district authorized to maintain automobile driver training classes may maintain such classes on Saturday, and during summer vacation when schools are not in session.

CHAPTER 1134

An act to add Section 8406.5 to the Education Code, relating to kindergartens and the counting of attendance therein

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8406.5 is added to the Education Code, to read:

8406.5. The governing board of any elementary or unified school district maintaining a kindergarten may combine the kindergarten with the first grade maintained by the district. The minimum school day for pupils of a kindergarten which is combined with a first grade is 130 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum school day for pupils of the first grade which is combined pursuant to this section is 200 minutes, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in the first grade shall be counted as attendance upon the first grade.

No teacher shall teach more than one such combined class in any single school day.

CHAPTER 1135

An act to amend Section 10301.5 of the Education Code, relating to courses of study in elementary schools.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10301.5 of the Education Code is amended to read:

10301.5. Notwithstanding anything in Section 10301 to the contrary, an elementary school district otherwise authorized to maintain a course of study for the day elementary schools of the district embracing only six years of instruction which during the school years 1953-1954 and 1954-1955 maintained a course of study for the day elementary schools of the district embracing seven or eight years of instruction is hereby authorized to enter into an agreement with the governing board of the high school district maintaining junior high schools in the district, subject to the approval of the county superintendent of schools having jurisdiction, stipulating the terms upon which the elementary school district shall educate pupils of the seventh or eighth grades, or both, of the junior high school.

Any contract entered into pursuant to this section does not in any manner change the legal status of any high school district authorized to maintain seventh and eighth grades, and the authorization and obligation of such high school district to furnish school buildings for such seventh and eighth grade pupils is and shall continue to be a sole responsibility of such district.

Contracts entered into pursuant to this section may be for a term of not to exceed five (5) consecutive school years.

CHAPTER 1136

An act to add Section 1238.7 to the Code of Civil Procedure, relating to eminent domain.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1238.7 is added to the Code of Civil Procedure, to read:

1238.7. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Property as a source of earth fill material for use in the development of a school site by a school district which is situated wholly or partly within a city or city and county having in excess of 750,000 population and an average population per square mile of more than 4,500 persons.

CHAPTER 1137

An act to add Sections 18412, 18413, 18414, and 18415 to the Financial Code, relating to loans made and contracts purchased by an industrial loan company.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 18412 is added to the Financial Code, to read:

18412. No industrial loan company shall directly or indirectly make any loan to, or purchase a contract or chose in action from, its majority stockholder, or any officer or director of such company, either for himself or as agent or as partner of another. Dealings with insiders

SEC. 2. Section 18413 is added to the Financial Code, to read:

18413. No industrial loan company shall make a loan to, or purchase a contract or chose in action from, any corporation of which a majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers, or majority stockholder of such company, except with the consent of the commissioner. Same

SEC. 3. Section 18414 is added to the Financial Code, to read:

18414. An industrial loan company may make a loan to, or purchase a contract or chose in action from, any corporation in which any director or officer of the industrial loan company is a minority stockholder, on authorization of or confirmation within 30 days after making such loan, or purchasing such contract or chose in action, by the affirmative vote of all the disinterested directors of such industrial loan company present at the meeting authorizing or confirming such loan, when such affirmative vote constitutes a majority of all the directors. The interested director or officer shall not vote or participate in any manner in the action of the board upon the loan. The authorization or confirmation shall be entered upon the records or minutes of the industrial loan company. Such loan, contract or chose in action shall in all other respects comply with the provisions of this division. Minority stockholders

SEC. 4. Section 18415 is added to the Financial Code, to read:

18415. If a loan is made to, or a contract or chose in action purchased from, a corporation as set forth in Section 18414, and if the director or officer of the industrial loan company owns more than five percent (5%) of the paid-in capital of such corporation, or if any two or more officers or directors own more than twenty percent (20%) of the paid-in capital of such corporation, the industrial loan company shall file reports with the commissioner showing the following: Reports

(a) The fact of making the loan or purchasing the contract or chose in action.

(b) The names of the directors authorizing or confirming the loan, or the purchase of a contract or chose in action.

(c) The corporate name of the borrower.

(d) The name of each director or officer of the industrial loan company who is a stockholder, officer, or director of the corporation to which the loan is made, or from which the contract or chose in action is purchased.

(e) The amount of stock held by the officer or director in such borrowing or purchasing corporation.

(f) The amount of the loan, contract or chose in action, the rate of interest or discount thereon, the time when it becomes due, the amount, character and value of the security given therefor, and the fact of final payment, when made.

CHAPTER 1138

An act to add Section 20355.5 to the Education Code, relating to student residences at state colleges.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20355.5 is added to the Education Code, to read:

20355.5. The president of a state college, with the approval of the Director of Education, may require unmarried minor students of the state college, not living with a parent or guardian, to reside in private homes or other dwellings approved by the college, or to occupy student housing facilities provided at the college by the State.

CHAPTER 1139

An act to amend Section 16091 of the Education Code, relating to readers for blind students.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

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 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. Any person so employed shall be exempt from the provisions of any retirement system supported in whole or in part by the State of California. 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.

CHAPTER 1140

An act to add Section 6660.3 to the Welfare and Institutions Code, relating to the death and administration of estates of incompetent persons.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6660.3 is added to the Welfare and Institutions Code, to read:

6660.3. Upon the death of an incompetent person over whom the Department of Mental Hygiene has obtained jurisdiction pursuant to Section 6660, the department may make proper disposition of the remains, and pay for the disposition of the remains together with any indebtedness existing at the time of the death of such person from the assets of the guardianship estate, and thereupon it shall file its final account with the court or otherwise close its administration of the estate of such person.

CHAPTER 1141

An act to amend Section 6729 of the Welfare and Institutions Code, relating to persons discharged from a state hospital.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6729 of the Welfare and Institutions Code is amended to read:

6729. When any person released from a state hospital is, in the opinion of the superintendent, capable of taking care of himself and his property, a certificate of competency may be issued. A copy of such certificate, signed by the superintendent or other authorized person, may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall file and index it and no fee shall be charged for so doing. If no guardian has been appointed for

such person as provided by the Probate Code, such certificate, when filed with the clerk of the court, shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of the Probate Code.

CHAPTER 1142

An act to amend Sections 12164 and 12203 of the Government Code, relating to the duties and fees of the Secretary of State.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12164 of the Government Code is amended to read:

12164. The Secretary of State shall record all:

Recordation Conveyances, etc

(a) Conveyances made to the State, except (1) evidences of title acquired for state highway purposes and retained by the Department of Public Works, and (2) conveyances of tax-sold property.

Articles of incorporation, etc

(b) Articles of incorporation, certificates and agreements of consolidation, certified copies of articles of foreign corporations filed at the time they qualify for transaction of intrastate business in this State, certificates and agreements of merger, certificates of amendment of articles of incorporation, certified copies of documents supplementing or amending articles of foreign corporations, certificates of withdrawal, designations of agent for service of process, certificates of change of address of foreign corporations or of their agents, certificates on qualification to act as agent for service of process, certificates of election to wind up and dissolve, certificates of revocation of election to dissolve, certificates of final dissolution, certificates of determination of preferences, and certificates of distribution of reduction surplus filed in his office.

SEC. 2. Section 12203 of said code is amended to read:

Fees

12203. The fee for recording articles of incorporation, certificates and agreements of consolidation, certified copies of articles of foreign corporations filed at the time they qualify for transaction of intrastate business in this State, certificates and agreements of merger, certificates of amendment of articles of incorporation, certified copies of documents supplementing or amending articles of foreign corporations, certificates of withdrawal, designations of agent for service of process, certificates of change of address of foreign corporations or of their agents, certificates on qualification to act as agent for service of process, certificates of election to wind up and dissolve, certificates of revocation of election to dissolve, certificates of final dissolution, certificates of determination of preferences, and certificates of distribution of reduction surplus is two dollars ($2).

CHAPTER 1143

An act to amend Section 11005 of the Revenue and Taxation Code, relating to motor vehicle license fees.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund and remaining unexpended therein at the close of business on the last day of the calendar month immediately preceding the month in which such balance is required to be disbursed under the provisions of this section, after payment of refunds therefrom and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller, be disbursed during the months of December and June of each fiscal year as follows:

Motor Vehicle License Fee Fund: Balance

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this State in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this State, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or 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 Controller 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. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

Contribution to cities

The money so paid shall be expended by the cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic, and any other state purpose.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as determined by the Controller. For the purpose

Same, counties

of this subdivision the population of each county or city and county is that determined by the last federal census.

Advances

(c) The Controller, during the month of April, may advance 75 percent of such balance he estimates shall be disbursed to each city, county, and city and county during the month of June of each fiscal year pursuant to this section.

CHAPTER 1144

An act to amend Sections 18851, 18853, 18854, and 18857 of the Education Code, relating to the purchase of school supplies and equipment.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18851 of the Education Code is amended to read:

Standard school supplies: Rules for purchase

18851. The county board of education shall on or before the first day of February of each year establish rules and regulations under which elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year shall purchase standard school supplies and equipment through the county superintendent of schools, or when so directed by him, through a county purchasing agent.

When the county superintendent of schools purchases standard school supplies without directing their purchase through the county purchasing agent or other county, city, or school district agent or agency, he shall make such purchase from the lowest responsible bidder who shall give such security as the county superintendent of schools requires, or else reject all bids. For the purpose of securing bids, the county superintendent of schools shall publish at least once a week for two weeks in a newspaper of general circulation published in the county, a notice calling for bids stating where the list and specifications of standard school supplies and equipment to be furnished may be obtained and the time when, which shall not be less than 30 days after the date of completion of publication, and the place where bids will be opened.

The county board of education shall list as standard school supplies and equipment such supplies and equipment as can be advantageously purchased in quantity. The list of standard school supplies shall be accompanied by a table of specifications giving the minimum grade, quality, substance, or other standard required for the purchase of each item listed.

The cost of advertising for bids and the cost of preparation of a table of specifications shall be paid from the county general fund.

SEC. 2. Section 18853 of said code is amended to read:

18853. Trustees of elementary school districts having an average daily attendance of less than 2,500 during the preceding fiscal year shall purchase standard school supplies and equipment in accordance with the general regulations of the county board of education established pursuant to this code. Purchase

SEC. 3. Section 18854 of said code is amended to read:

18854. City boards of education, high school boards, and boards of trustees of elementary school districts having an average daily attendance of 2,500 or more during the preceding fiscal year may purchase standard school supplies and equipment in the manner provided for the purchase of such supplies and equipment for elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year. Same

SEC. 4. Section 18857 of said code is amended to read:

18857. In accordance with the general rules and regulations prescribed by the county board of education, the county superintendent of schools shall provide for the purchase of all standard school supplies and equipment needed in the elementary districts of his county governed by boards of school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year. Same

SEC. 5. This act shall become operative July 1, 1958. Operative date

---

CHAPTER 1145

An act to amend the heading of Article 7 of Chapter 2 of Part 1 of Division 5 of, and to add Section 3365 to, the Welfare and Institutions Code, relating to materials and supplies manufactured by the California Industries for the Blind.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 7 of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is amended to read:

Article 7. Purchase of Blind-made Products

SEC. 2. Section 3365 is added to said code, to read:

3365. Anything to the contrary notwithstanding, any city or county, political subdivision or district of this State may purchase materials and supplies manufactured by the California Industries for the Blind at the prices fixed therefor by the committee without advertising or calling for bids.

CHAPTER 1146

An act to amend Section 1188.1 of the Code of Civil Procedure, relating to mechanics' liens.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1188.1 of the Code of Civil Procedure is amended to read:

1188.1. The liens provided for in this chapter, except as otherwise in this article provided, are preferred to any lien, mortgage, deed of trust, or other encumbrance upon the premises and improvements to which the liens provided for in this chapter attach which may have attached subsequent to the time when the building, improvement, structure, or work of improvement in connection with which the lien claimant has done his work or furnished his material was commenced; also to any lien, mortgage, deed of trust, or other encumbrance of which the lien claimant had no notice and which was unrecorded at the time the building, improvement, structure, or work of improvement on which such lien claimant has done his work or for which he has furnished his material, appliances or power was commenced.

A mortgage or deed of trust which would be prior to any of the liens provided for in this chapter to the extent of obligatory advances made thereunder in accordance with the commitment of the lender shall also be prior to the liens provided for in this chapter as to any other advances, secured by such mortgage or deed of trust, which are used in payment of any claim of lien as provided for in this chapter, if any, which is recorded at the date or dates of such other advances and thereafter in the payment of all or any part of the costs of any work of improvement on the property which is subject to such mortgage or deed of trust; provided, that the priority of such mortgage or deed of trust shall not exceed in total for both obligatory advances made in accordance with the commitment of the lender and other advances the amount of the original obligatory commitment of the lender as shown in said mortgage or deed of trust.

CHAPTER 1147

An act to amend Section 10502 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 10502 of the Streets and Highways Code is amended to read:

10502. Each bid shall be accompanied by a certified check, amounting to 10 percent of the bid, payable to the order of the clerk of the legislative body, or by a bond for that amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double that amount, and over and above all statutory exemptions or by a corporate surety bond to the satisfaction and approval of the superintendent of streets. The amount so posted shall be forfeited to the municipality if the bidder does not, within 15 days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work. The faithful performance of the contract shall be secured by an undertaking in such penal sum as the legislative body requires, with sureties satisfactory to the legislative body. The contractor shall also furnish a labor and material bond as required by law.

CHAPTER 1148

An act to add Section 987.15 to the Military and Veterans Code, relating to veterans' farm and home purchases, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 987.15 is added to the Military and Veterans Code, to read:

987.15. In considering applications for aid under this article which were filed with the department on or before the effective date of this section, prior consideration shall be given to applications to purchase property in which the applicant has not acquired an interest of record. Priorities

No application, filed with the department after the effective date of this section, to purchase property in which the applicant has acquired an interest of record shall be considered or approved prior to September 15, 1959, except in hardship cases approved by the board where aid under this article is necessary to protect the investment of the applicant in the property in which he has an interest, and except in cases where the application is for aid for the construction of improvements upon real property in which the applicant has an interest. Moratorium on refinancing

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 4 of the Constitution, and shall go into effect immediately. The facts constituting the urgency are: Urgency

Due to the recent increase in the maximum amount which may be loaned to a veteran under the Veterans Farm and

Home Purchase Act of 1943 to fifteen thousand dollars ($15,000), a large number of loan applications have been received by the Department of Veterans Affairs from veterans who desire to finance farms and homes. Approximately 75 percent of these applications have been made by veterans who wish to refinance more expensive farms and homes which they were able to acquire originally under other financing. While loans in such cases are entirely proper, it is only fair that the needs of the veteran who now has no home and who in this time of tight credit restrictions is seriously handicapped in the financing of a home purchase should be considered. The continuation of the program is seriously threatened by the glutted bond market and consequent high interest rate. Recent experience in bond sales for support of the program demonstrates that competition from other state bonds such as those from the school program, and from all parts of the Country, has limited potential buyers. It will be financially ruinous, if not impossible, to market the amount of bond issues demanded by the program without placing restrictions on refinancing. For these reasons it is necessary to impose an immediate moratorium with respect to loans for refinancing homes and farms to enable the Legislature to study and formulate a system of priorities that will authorize refinancing under appropriate circumstances without depriving the many veterans who do not now own farms or homes of the opportunity to acquire them.

CHAPTER 1149

An act to repeal Section 4 of Chapter 1801 of the Statutes of 1955, and to amend Sections 23399 and 23824 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 2, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 4 of Chapter 1801 of the Statutes of 1955 is repealed.

SEC. 2. Section 23399 of the Business and Professions Code is amended to read:

On-sale 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, a club license, or a veterans' 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 held any place in the State approved by the department. Such a permit under a club license or a veterans' club license shall authorize such sales at such events only upon the licensed club premises. This section shall in no way limit the power of

Caterer's permit

the department to issue special licenses under the provisions of Section 24045 of this code. 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 may exercise only those privileges authorized by his license and 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 for a licensee under an on-sale general license shall be one hundred dollars ($100) per year, and the fee for a caterer's permit for a license under a club license or a veterans' club license shall be a sum equal to the annual fee for an on-sale general license prescribed by Section 23320, 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 23824 of said code is amended to read:

Exemption from license limitations

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. Such license shall be exempt from the provisions of Section 23954.5 and shall be nontransferable.

CHAPTER 1150

An act to amend Sections 5302, 29914 and 29917 of the Government Code, Sections 7432 and 7435 of the Education Code, Sections 55524 and 55525 of the Water Code, Sections 4789 and 4790 of the Health and Safety Code, and Section 7 of the Los Angeles County Flood Control Act, all relating to bonds including bond denominations, interest, signatures and countersignatures.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5302 of the Government Code is amended to read:

Signatures

5302. Wherever any statute requires that any bond issued by a public body be signed by two or more officers or other individuals, all such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced.

SEC. 2. Section 29914 of the Government Code is amended to read:

Denominations

29914. The bonds may be issued in denominations not to exceed one thousand dollars ($1,000) and not less than one hundred dollars ($100) except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board of supervisors may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination.

SEC. 3. Section 29917 of the Government Code is amended to read:

Signatures, etc

29917. The bonds shall be signed by the chairman of the board of supervisors or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced.

SEC. 4. Section 7432 of the Education Code is amended to read:

Denominations

7432. The denomination of each of the bonds shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination.

SEC. 5. Section 7435 of the Education Code is amended to read:

Signatures

7435. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced. All expense incurred for the preparation, sale, and delivery of the school bonds including the preparation of the certified copy of the transcript for

the successful bidder is a legal charge against the funds of the school district issuing the bonds.

SEC. 6. Section 55524 of the Water Code is amended to read:

55524. The bonds shall be issued in such denomination as the board may determine. No bonds shall be of a less denomination than one hundred dollars ($100) nor greater than one thousand dollars ($1,000), except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination. Denominations

SEC. 7. Section 55525 of the Water Code is amended to read:

55525. The bonds shall be signed by the chairman of the board and countersigned by the auditor of the county, and the seal of the county shall be affixed thereto. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced. Signatures

SEC. 8. Section 4789 of the Health and Safety Code is amended to read:

4789. 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) except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the district board may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination. 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. Denominations

SEC. 9. Section 4790 of the Health and Safety Code is amended to read:

4790. 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. Signatures

SEC. 10. Section 7 of the Los Angeles County Flood Control Act is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said Form of bonds

bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

Denominations

The bonds shall be issued in such denominations as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board of supervisors may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination, and shall be payable on the day and

Interest

at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually,

Signatures

and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such 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.

CHAPTER 1151

An act to add Section 6879 to the Public Resources Code, relating to the inclusion of tide and submerged lands in agreements for cooperative or unit development of oil and gas.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6879 is added to the Public Resources Code, to read:

Agreements re tide and submerged lands

6879. Whenever tide and submerged lands of the State have been granted to a city, county or city and county by a

grant which does not reserve to the State the right to produce oil and gas therefrom, and such grantee shall determine that it is in the interest of increasing the ultimate recovery of oil or gas from such lands, or of the protection of oil or gas in said lands from unreasonable waste, or that the subsidence or sinking of such lands and abutting lands may possibly be arrested or ameliorated thereby, such grantee may enter into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of the oil and gas field in which such lands are located, or for the purpose of bringing about the development or operation of all or a part or parts of such field as a unit, or for the purpose of fixing the time, location, and manner of drilling and operating of wells for the production of oil or gas, or providing for the return or injection of gas, water or other substances into the subsurface of the earth for the purpose of storage or the repressuring of such oil or gas field.

Each such agreement shall provide that any impairment of the public trust for commerce, navigation or fisheries to which said granted lands are subject is prohibited, and shall be submitted to the State Lands Commission for approval. If the State Lands Commission shall find that said agreement so provides and that the entering into and the performance of such agreement is in the public interest, then the State Lands Commission may approve such agreement on behalf of the State.

Legislative declaration

The Legislature hereby finds and declares that the entering into and the performance of any such agreement which has been approved by the State Lands Commission will not impair the public trust for commerce, navigation and fisheries to which said granted lands are subject, and that any acts or things done pursuant to the terms thereof or resulting therefrom are consistent with and not in violation of the terms or conditions of any such grant or of any trust, restrictions and conditions appertaining thereto. No such agreement so approved by the State Lands Commission shall effect or result in, or be so construed as to effect or result in a revocation of or change in any trust pertaining to said lands, or in any grant, conveyance, alienation or transfer of said lands, or any part thereof, to any other individual, firm, or corporation, even though such agreement provides for the pooling of oil, gas or other hydrocarbon substances produced from said lands with oil, gas or other hydrocarbon substances produced from other lands, or results in the migration of any oil, gas or other hydrocarbon substances between said lands and other lands. Any trusts, restrictions or conditions pertaining to any production from said granted lands included in any such agreement, or to any proceeds from such production, shall apply only to that part of the production or that part of the proceeds therefrom which is allocated to such city, county or city and county on account of said lands under any such agreement, and shall not apply to any other production or the pro-

ceeds therefrom, whether or not the same may have been produced from said lands or other lands.

Binding effect

If approved by the State Lands Commission, any such agreement shall bind the State, and shall bind any of the following who execute the same:

(a) Such city, county or city and county; and

(b) Any operator of such tide and submerged lands under contract with such city, county or city and county, and such operators' successors and assigns; and

(c) Any other party, and the successors and assigns of such other party.

Any such agreement shall be enforceable in an action for specific performance against the parties bound thereby.

Exclusions

No agreement executed pursuant to this section shall affect or determine the boundaries of the tide and submerged lands granted, in trust, to the City of Long Beach by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1955, as modified by Chapter 915, Statutes of 1951 and Chapter 29, Statutes of 1956, First Extraordinary Session.

CHAPTER 1152

An act to add Sections 120.6 and 120.65 to the Welfare and Institutions Code, relating to the education and training of personnel employed or preparing for employment in public welfare programs.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 120.6 is added to the Welfare and Institutions Code, to read:

Department of Social Welfare

120.6. If, when, and during such times as the Federal Government allots money to this State for training grants for public welfare personnel, pursuant to Title VII of the Federal Social Security Act, the State Department of Social Welfare is authorized to act as the agent and representative of this State.

SEC. 2. Section 120.65 is added to said code, to read:

Employees

120.65. Employees of the department who are engaged in the administration of public welfare programs are authorized (1) to attend courses of training provided by institutions of higher learning, (2) attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose, (3) accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the Federal Government.

Contracts

Any contract or agreement entered into by the department with the Federal Government or any agency thereof for the expenditure of any funds in the exercise of any power granted

to the department by this section shall be subject to approval by the State Department of Finance.

Any leave of absence granted to any employee of the department as authorized by this section shall be subject to the approval of the State Personnel Board. Leaves of absence

CHAPTER 1153

An act to amend Section 3711 of the Elections Code, relating to precinct notices.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3711 of the Elections Code is amended to read:

3711. Each county clerk or, in case of separate city elections, the clerk or secretary of the legislative body of the city for each election other than a direct primary or a presidential primary, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face. The county clerk or clerk or secretary shall commence to mail one sample ballot, postage prepaid, to each voter not more than 40 nor less than 15 days before the day fixed by law for the election. The mailing of the sample ballots shall be completed at least 10 whole days before the election.

For any general election the number of sample ballots printed shall not exceed the total registration by more than 15 percent. The county clerk, or clerk or secretary shall also inclose in the envelope with each of the ballots a card stating the location of the precinct polling place of each voter or, in lieu thereof, the county clerk, in any county except a city and county in which voting machines are used, may cause that information to be printed on the left-hand side of the face of the envelope. Only official matter shall be sent in the envelope.

CHAPTER 1154

An act to amend Section 29148 of the Government Code, relating to emergency expenditures by county.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 29148 of the Government Code is amended to read:

29148. After adopting a resolution stating the facts constituting the emergency by a four-fifths vote of its members present at any regular or special meeting, of the time and place of which all members of the board have had reasonable notice, the board may make the expenditure necessary to meet an emergency in any of the following cases:

(a) Upon the happening of any emergency caused by war, fire, failure or the imminent failure of a water system or supply, flood, explosion, storm, earthquake, epidemic, riot, or insurrection.

(b) For the immediate preservation of order or of public health.

(c) For the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident.

(d) For the relief of a stricken community overtaken by calamity.

(e) For the settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utilities owned by the county.

(f) To meet mandatory expenditures required by law.

CHAPTER 1155

An act to add Section 20495 to the Government Code, relating to the State Employees' Retirement System

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20495 is added to the Government Code, to read:

20495. Anything to the contrary notwithstanding, any contract with a school district may include in the system all cafeteria employees of the district, including cafeteria employees serving on a part-time basis, and any contract heretofore made with any school district may be amended to provide coverage for all cafeteria employees of the district.

CHAPTER 1156

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.

In effect September 11, 1957

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

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 three hundred twenty dollars ($1,320) a month.

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 six hundred dollars ($600) a month. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

CHAPTER 1157

An act to amend Section 65020 of the Government Code, relating to local planning advisory committees.

[Approved by Governor July 2, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 65020 of the Government Code is amended to read:

65020. In order to provide assistance to local agencies in preparing reports, obtaining information, and making recommendations relating to local planning, the Local Planning Advisory Committee is hereby created. The committee shall consist of seven members appointed by the Governor and serving at his pleasure, selected as follows:

(a) Three representing the counties, one of whom shall be a county supervisor, one a member of a county planning commission, and one a county planning director.

(b) Three representing the cities, one of whom shall be a city councilman, one a city planning commission member, and one a city planning director.

(c) One a member representing the schools. He shall be a county superintendent of schools.

The committee is the policy-making body to provide guidance to the Department of Finance in the planning function. The department shall employ the necessary technically competent personnel; shall provide space; and shall make its facilities generally available to perform the functions related to local, regional, or state planning in accordance with the policies and advice of the committee. The department shall provide as complete local service as the committee specifies through its policies. No regulatory powers concerning planning are vested by this article in the department, the Director of Finance, or the committee.

The members of the committee shall receive no compensation for their services, but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending the meetings of the committee. The committee shall meet at the call of the chairman of the committee.

CHAPTER 1158

An act to add Article 7.6 (comprising Sections 53850 to 53855, inclusive) to Chapter 4, Part 1, Division 2, of Title 5 of the Government Code, relating to temporary borrowing by local agencies.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 7.6 is added to Chapter 4, Part 1, Division 2 of Title 5 of the Government Code, to read:

Article 7.6. Temporary Borrowing

"Local agency"

53850. As used in this article, "local agency" means county, city and county, city, school district of any type, junior college district, or any other municipal or public corporation or district.

Temporary notes

53851. If funds are needed in any fiscal year for the immediate requirements of a local agency to pay obligations lawfully incurred in said fiscal year before the receipt of income for the fiscal year sufficient to meet said obligations, money may be borrowed by the issuance of temporary notes as provided in this article by:

(a) The legislative body of a county on the recommendation of the auditor and treasurer.

(b) A school district of any type or junior college district on the request of two-thirds of the members of its governing board, approved by the county auditor and treasurer.

(c) The legislative body of a city on the recommendation of the city treasurer and chief accounting officer.

(d) The legislative body of any other municipal or public corporation or district on the recommendation of the officers performing the functions of auditor and treasurer.

53852. Said temporary notes may be negotiable. The interest rate on said notes shall not exceed 6 percent per annum.

53853. Said notes shall be repaid on or before the last day of the fiscal year in which the money is borrowed and the maturity date of said notes shall not be later than said last day.

53854. The aggregate amount of said notes shall not exceed 85 percent of:

(a) The revenue from taxes for the current fiscal year or that portion of the taxes not collected at the time of borrowing, where the borrowing is by a county, city, or municipal or public corporation or district, other than a school district or junior college district.

(b) The estimated income and revenue for the current fiscal year or that portion not collected at the time of borrowing, where the borrowing is by a school district or junior college district. Said notes shall be repaid only from revenues received during or allocable to the fiscal year in which the money was borrowed.

Statement of purpose

53855. This article provides to local agencies a means for temporary borrowing in addition to and as an alternative to any other method set forth in this code, or any other law, including the charter or law under which said local agency is created or exists.

CHAPTER 1159

An act to add Section 1041.5 to the Education Code, relating to governing boards of elementary school districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1041.5 is added to the Education Code, to read:

1041.5. If the district is governed by a board of trustees consisting of five members, one of the members shall be elected president at the annual meeting of the board.

CHAPTER 1160

An act to add Sections 31681.2 and 31739 to the Government Code, relating to the retirement of county employees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31681.2 is added to the Government Code, to read:

Retirement allowance increase

31681.2. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired prior to January 1, 1948, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if

the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31739 is added to said code, to read:

Same

31739. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired for disability prior to January 1, 1948, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 1161

An act to repeal Sections 32363 and 32364 of, and to amend Sections 31621, 31727.4, 31786, and 31787 of and to add Section 31781.1 to the Government Code, relating to retirement of county employees.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Sections 32363 and 32364 of the Government Code are repealed.

SEC. 1.5. Section 31621 of said code is amended to read:

Contribution

31621. The normal rates of contribution except for members covered by Article 6.8 shall be such as will provide an average annuity at age 60 equal to one one-hundred-twentieth of the final compensation of members not covered by Article 6.8, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

SEC. 2. Section 31727.4 of said code is amended to read:

Allowance

31727.4. Upon retirement of any member for service-connected disability, he shall receive an annual retirement allow-

ance payable in monthly installments, equal to one-half of his final compensation. Notwithstanding any other provisions of this chapter, any member upon retirement for service-connected disability shall receive a current service pension or a current service pension combined with a prior service pension purchased by the contributions of the county or district sufficient which when added to the service retirement annuity will equal one-half of his final compensation, or, if qualified for a service retirement, he shall receive his service retirement allowance if such allowance is greater but in no event shall it exceed the limitation as set forth in Section 31676 1 as it now reads or may hereafter be amended to read.

SEC. 3. Section 31786 of said code is amended to read:

Death of member After retirement

31786. Upon the death of any member after retirement for service-connected disability, his retirement allowance as it was at his death, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member prior to the date of his retirement.

SEC. 4. Section 31787 of said code is amended to read:

As result of injury, etc., in course of employment

31787. If any member dies as the result of injury or disease arising out of and in the course of his employment, and he is survived by a spouse to whom the member was married prior to sustaining such injury or disease or by an unmarried child under the age of 18, whether such surviving spouse or child was designated as beneficiary or not, instead of the death benefit provided for by Section 31780, there shall be paid to such surviving spouse, if any, otherwise to such surviving child or children collectively, a monthly death allowance, equal to one-half of the member's final compensation until such surviving spouse dies, or if there is no qualified surviving spouse, or, if the surviving spouse dies before all of the children of the deceased member attain age 18 or marry, to his children under age 18 collectively until every child dies, marries, or attains age 18.

SEC. 5. Section 31781.1 is added to the Government Code, to read:

"Optional death allowance"

31781.1. If any member of a retirement system established in a county subject to the provisions of Section 31676 1 would have been entitled to retirement in the event of his becoming disabled by a non-service-connected disability, dies as the result of any such injury or illness prior to his retirement, leaving a surviving spouse, such spouse shall have the right to elect by written notice filed with the board, to receive and be paid

in lieu of the death benefit provided for in Sections 31780 and 31781 of this act, an "optional death allowance."

Such allowance shall consist of a monthly payment equal to 60 percent of the monthly pension to which such deceased member would have been entitled if he had retired or been retired by reason of non-service-connected disability as of the date of his death.

If such surviving spouse shall elect to receive such "optional death allowance" the payments so becoming due such spouse shall be retroactive to the date of the deceased member's death, and shall continue during and throughout the life of such spouse.

If such surviving spouse elects to receive such "optional death allowance," and thereafter dies leaving an unmarried surviving child or unmarried children of such deceased member under the age of 18 years, such "optional death allowance" shall thereafter be paid to such surviving children collectively until they die, marry, or reach the age of 18 years; provided, however, that the right of any such children respectively to share in such allowance shall cease upon their death or marriage, or upon their reaching the age of 18 years, and the entire amount of such allowance shall thereafter be paid collectively to the other qualified children.

If such deceased member leaves no spouse surviving him but leaves unmarried children under the age of 18 years, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

The rights and privileges conferred by this section upon the surviving spouse and/or children of such deceased member shall not be dependent upon whether they or any of them shall have been nominated by the deceased member as the beneficiary of any benefits payable upon or by reason of his death, but shall be superior to and shall supersede the rights and claims of any other beneficiary so nominated.

CHAPTER 1162

An act to amend Section 1205 of the Penal Code, and Section 764 of the Vehicle Code, relating to proceedings in criminal cases.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1205 of the Penal Code is amended to read:

Imprisonment until fine satisfied

1205. A judgment that the defendant pay a fine, with or without other punishment, may also direct that he be impris-

oned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment must specify the extent of the imprisonment for nonpayment of the fine, which must not be more than one day for each five dollars ($5) of the fine, nor exceed in any case the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he is so held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full; but unless such direction is given in the judgment, the fine shall be payable forthwith.

Except as otherwise provided in case of fines imposed as conditions of probation, the defendant must pay the fine to the clerk of the court, or to the judge thereof if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he is in custody shall be made to the officer who holds him in custody and all amounts so paid shall be forthwith paid over by such officer to the court which rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part thereof. or if there is no clerk, the court shall take notice of such default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine is satisfied in full. If the fine is payable forthwith and it is not so paid, the court shall without further proceedings, immediately commit the defendant to the custody of the proper officer to be held in custody until the fine is satisfied in full. The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment.

SEC. 2. Section 764 of the Vehicle Code is amended to read:

764. Imprisonment Until Fine Satisfied. A judgment that Same
a person convicted of any violation of this code be punished by a fine may also order, adjudge and decree that such person be imprisoned until said fine be satisfied. In every such case, the judgment must specify the extent of such imprisonment which shall not exceed one day for every five dollars ($5) of fine nor extend in any such case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he was convicted.

CHAPTER 1163

An act to amend Section 2206 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2206 of the Health and Safety Code is amended to read:

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing at Section 58500 of the Government Code). This section shall remain in effect until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature and thereafter shall be of no force or effect.

CHAPTER 1164

An act to amend Section 981.2 of the Military and Veterans Code, relating to educational benefits for veterans.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 981.2 of the Military and Veterans Code is amended to read:

981.2. The department, insofar as the funds permit, may provide:

(a) For the payment of tuition and other fees other than for individual instruction or private lessons, except where such individual instruction is an integral requirement of a course leading to a vocational or professional license or to a degree from an accredited institution of higher learning.

(b) A monthly payment of an allowance for the living expenses of the student in an amount not exceeding forty dollars ($40) per month for the time the student is in satisfactory and actual full-time attendance at a day school, absence during the month on account of illness to be included as a part of such attendance.

(c) For the student's book and supply requirements, the department may, at the student's request, increase the allowance provided under subdivision (b) of this section by an amount not to exceed ten dollars ($10) in any one month.

CHAPTER 1165

An act to add Section 20373.1 to the Education Code, relating to expenses of state college presidents.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20373.1 is added to the Education Code, to read:

20373.1. The president of each state college may budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relation responsibilities of his office as defined by the State Board of Education.

CHAPTER 1166

An act to add Sections 515 and 5010.5 to the Public Resources Code, relating to refunds by the Department of Natural Resources.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 515 is added to the Public Resources Code, to read:

515. Whenever the department has received and deposited any money in the State Treasury to the credit of the General Fund in an excessive amount or in error, or whenever a refund of all or a portion of such money is due any person, firm, or corporation because of the termination of an agreement or other lawful reason, payment of such refund shall be made upon the filing of a claim by the director with the State Controller. The State Controller shall draw his warrant for payment of the refund from any appropriation made for that purpose. Refunds Controller

SEC. 2. Section 5010.5 is added to said code, to read:

5010.5. The Director of Natural Resources may authorize the refund of moneys received or collected by himself or by the Division of Beaches and Parks illegally, or by mistake, inadvertence, or error. Claims authorized by the director shall be filed with the State Controller and the Controller shall draw his warrant against the State Beach Fund or State Park Fund in payment of such refund from any appropriation made for that purpose. Director of Natural Resources

CHAPTER 1167

An act to add Section 20255 to the Education Code, relating to nursing education and related programs requiring clinical facilities and experience.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20255 is added to the Education Code, to read:

20255. The Director of Education may contract with any public or private hospital or other public or private institution or agency having clinical facilities for furnishing clinical experience and the use of clinical facilities to the State in connection with approved state college programs requiring such facilities and experience.

CHAPTER 1168

An act to add Chapter 11 to Part 1, Division 18 of the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943 and the substitution of other lands, property or rights of way for off-street parking purposes for lands, property or rights of way previously acquired for a vehicle parking district for such purposes.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 is added to Part 1, Division 18 of the Streets and Highways Code, to read:

CHAPTER 11. SUBSTITUTION OF OTHER LANDS, PROPERTY OR RIGHTS OF WAY FOR THOSE PREVIOUSLY ACQUIRED

Definitions

31900. Unless the context otherwise requires, the following terms used in this chapter shall mean:

(a) "Substitution proceeding" means a proceeding taken under or pursuant to this chapter.

(b) "New property" means any or all of the following:

(1) Additional lands, property, and rights of way necessary or convenient for use as parking places for the benefit of the district; and

(2) Additional lands, property, and rights of way necessary or convenient for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for ingress to or egress from any parking place.

(c) "Old property" means any or all of the following:

(1) Lands, property, and rights of way, or any portion thereof, theretofore acquired or acquired and improved pursuant to this part for use as parking places for the benefit of the district; and

(2) Lands, property, and rights of way, or any portion thereof, theretofore acquired or acquired and improved pursuant to this part for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for ingress to or egress from any parking place.

(d) A "substitution" means the replacement of old property by new property.

(e) "District funds" means any unencumbered and available funds of the city received or collected for the use of the district, including moneys derived from taxes or other revenues pursuant to this part.

(f) "City funds" means any city funds, other than district funds, which are unencumbered and are available for use pursuant to this chapter.

Substitution proceedings

31910. At any time after the formation of a vehicle parking district and the levy of the initial assessment therefor, substitution proceedings may be taken in the manner provided in this chapter if the legislative body determines that such substitution proceedings are necessary or desirable because of a change in circumstances occurring after such levy.

Report of board of parking commissioners

31911. Before adopting any resolution under Section 31913, the legislative body shall submit its proposed resolution to the board of parking place commissioners for the district and shall receive and consider the report and recommendation of the board thereon. After receiving such report and recommendation, the legislative body may either adopt the proposed resolution in its original form or as changed consistent with such report and recommendation. If the legislative body proposes to adopt the resolution in any other form, it shall again submit it to the board as provided in this section.

Same

31912. The board shall make its report and recommendation within 30 days after the legislative body orders a proposed resolution submitted to the board, or within such further time as the legislative body may allow. If the board fails to make a report and recommendation within such time, the legislative body may adopt the resolution without receiving and considering a report and recommendation thereon.

Resolution for substitution

31913. The legislative body may initiate a substitution proceeding by adopting a resolution proposing to order the making of a substitution.

Same

31914. The resolution proposing to order the making of a substitution shall contain:

(a) The number of the vehicle parking district and a reference to the ordinance fixing its exterior boundaries.

(b) A general description of the proposed substitution.

(c) An estimate of the current fair market value of the old property and an estimate of the current fair market value of

the new property, together with the estimated cost of improvements, if any, proposed to be constructed on the new property for parking purposes.

(d) A time and place for the hearing of protests on the proposed substitution.

Notice

31915. Notice of hearing shall be by publication, posting and mailing of the resolution proposing to order the making of a substitution and such notice shall be given in the same manner and at the same times as provided for the ordinance of intention in Sections 31543 to 31546, inclusive, except that the posted copies of the resolution shall be headed "Notice of Parking District Substitution Proceedings" in letters at least one-half inch in height.

Objections.

31916. Not later than the hour set for hearing, any interested person may file with the clerk of the legislative body written objection to the proposed substitution.

31917. At the hearing all objections and protests shall be heard and considered. The hearing may be continued from time to time by order entered on the minutes.

By majority

31918. If at the hearing it appears that the owners of more than one-half of the area of the assessable land included within the district have made objection in writing to the proposed substitution as an entirety, the legislative body, by a resolution entered upon its minutes, shall so find. Thereafter the legislative body shall not proceed further with the substitution proceedings and said substitution proceedings are terminated.

31919. If the owners of more than one-half of the area of the assessable land included within the district have not made written objections or protests to the proposed substitution proceedings as an entirety, the legislative body may so find and proceed with the hearing.

Withdrawal

31920. Any protest or objection made pursuant to this chapter, or any signature to such objection or protest, may be withdrawn by a written withdrawal signed by the person or persons who signed the protest or objection or who affixed the signature to be withdrawn, and filed with the clerk at any time prior to the determination by the legislative body as to whether or not a majority protest exists. Any protest, objection, or signature withdrawn shall not be counted in computing a majority protest.

Waiver

31921. Any objections or protests not made at the time and in the manner provided by this chapter are deemed waived voluntarily.

Determination by legislative body

31922. Except in the case of a majority protest, the legislative body may sustain or deny any or all objections and protests, and its determination is final. The determination of the legislative body shall be entered upon the minutes

Attack on proceedings

31923. Proceedings under this chapter shall not be attacked after the hearing upon any ground not stated in an objection or protest filed pursuant to this chapter. Any land-

owner or person interested in any land within the district is estopped to attack the proceedings upon any ground not stated in a protest filed by him pursuant to this chapter.

Modification of substitution

31924. At the hearing the legislative body may by resolution propose a modification of the substitution. Said resolution shall describe the proposed modification, shall specify a time for hearing thereon and shall be published once at least 15 days before the hearing in the same newspaper in which the resolution proposing to order the making of a substitution was published.

Substitution

31925. If at the conclusion of the hearing the legislative body by resolution adopted by four-fifths of all of its members shall find and determine (a) that public interest and convenience require the substitution, and (b) that all of the lands within the district will be benefited by the substituted acquisition or acquisition and improvement in substantially the same degree and in substantially the same proportion as said lands were benefited by the old property, said legislative body may then order the substitution either as described in the resolution proposing to order the making of a substitution, or as subsequently modified after proceedings pursuant to Section 31924.

Implementation

31926. After the adoption of the resolution ordering the making of the substitution and at such time as all the new property ordered to be acquired or to be acquired and improved shall have been acquired or acquired and improved by the city substantially in accordance with said resolution, the legislative body may thereupon adopt a resolution of implementation. At any time prior to the adoption of the resolution of implementation, the legislative body may abandon the substitution proceedings.

Same

31927 The resolution of implementation shall contain a general description of all new property acquired or acquired and improved under this chapter for the use and benefit of lands within the district. After the adoption of said resolution of implementation, all such new property shall be held by the city for the use and benefit of the district and shall be treated in all respects the same as lands, property and rights of way acquired under this part from moneys collected on account of any assessment levied or from the proceeds of any bonds issued hereunder.

Same

31928. The resolution of implementation shall also contain a general description of all old property which is no longer to be held by the city for the use and benefit of the district. After the adoption of said resolution of implementation, any interest in or other right with respect to said old property which may have been acquired by or for any person (whether as a member of the public or as an owner of lands within the district) as a result of prior proceedings under this part shall be terminated. Where any of the old property consists of rights of way acquired under this part, any lands previously subject to any such rights of way shall be relieved and discharged

therefrom, and title to said lands, unencumbered by said rights of way, shall be vested in such persons as may be entitled thereto by law. Title to all other portions of the old property, free and clear of the interests and rights aforesaid, shall be vested in the city and the city may hold, use or dispose of said lands or property in any manner provided or permitted by law.

Same

31929. Before adopting the resolution of implementation, payment or provision for payment shall be made for the unpaid balance of any outstanding and unpaid bond issued to represent the lien of an assessment upon any of the new property and any interest and penalties which are due thereon and are unpaid.

Same

31930. Upon adoption of the resolution of implementation, any old property which is within the exterior boundaries of the district shall be deemed excluded from the district. Any old property so excluded may thereafter be added to the district pursuant to Section 31866.

Financing

31931. The cost and expense of acquiring or acquiring and improving new property (including any amounts necessary to comply with Section 31929 and any amounts necessary to discharge any other lien or charge on said new property) shall be paid from district funds to the extent authorized by the board and the remainder, if any, from city funds. If for any reason the legislative body is unable or unwilling to appropriate from city funds the moneys needed for such purpose, the substitution proceedings shall be abandoned prior to the adoption of any resolution of implementation.

Proceeds of sale

31932 If following the adoption of the resolution of implementation the city sells all or any portion of the old property as permitted by Section 31928, the proceeds of any such sale shall be disposed of as follows:

(a) The proceeds of the sale of any old property which had been city-owned lands held subject to the provisions of this part pursuant to Section 31571 shall be held as district funds in an amount equal to the compensation, if any, theretofore paid to the city pursuant to Section 31571 and the balance of such proceeds shall be credited to the general fund of the city.

(b) The proceeds of the sale of any other old property shall be used, to the extent thereof, to reimburse the city for any of the costs and expenses referred to in Section 31931 which were paid from city funds, and the balance, if any, of the proceeds remaining after such reimbursement shall be held as district funds.

Any moneys held as district funds may be used for any purpose for which revenues from fees, charges and rentals for the use of parking places of the district may be used.

Limitation

31933. No substitution proceedings pursuant to this chapter shall be initiated for the replacement of old property unless it has been used as a parking place or for ingress to or egress from a parking place for a period of not less than one year.

CHAPTER 1169

An act to amend Sections 55302 and 55305 of, and to add Section 55971 to, the Water Code, relating to county waterworks districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 55302 of the Water Code is amended to read:

55302. A petition signed by 10 percent of the water users of any waterworks district or 25 such petitioners may be presented to the board of supervisors requesting that a board of directors be appointed for the district to operate and manage the district in lieu of the board of supervisors. Petition

SEC. 2. Section 55305 of said code is amended to read:

55305. In the event the board determines in favor of the petition, it shall appoint five directors for the district and shall designate two of them to hold office for two years and three of them to hold office for four years. Each director so appointed shall be a registered voter and the owner of real property in the district. The board of directors may receive compensation for their services as such directors not to exceed ten dollars ($10) each per month. Director

SEC. 3. Section 55971 is added to said code, to read:

55971. Two or more waterworks districts governed by their own respective governing boards may enter into agreements wherein and whereby such districts may be consolidated for all operational purposes upon such terms as such governing boards shall agree upon. Such consolidation shall have no effect upon the outstanding bonded indebtedness of the respective districts. Consolidation

---

CHAPTER 1170

An act to amend Section 30562 of the Water Code, relating to county water districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 30562 of the Water Code is amended to read:

30562. The bond of the collector shall be in the sum of fifty thousand dollars ($50,000) or more and shall be executed at the expense of the district by a surety company authorized to do business in the State, except if the gross revenue estimated by the board to be received by such district during the fiscal year does not exceed fifty thousand dollars ($50,000), in which case the bond of the collector may be the sum of such estimated gross annual revenue of the district.

CHAPTER 1171

An act to amend Section 55350 of the Water Code, relating to county waterworks districts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 55350 of the Water Code is amended to read:

55350. All contracts in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder, except that county waterworks districts may contract among themselves for furnishing labor, materials, or supplies required for any improvement mentioned in this division upon such terms and conditions as their boards may elect.

CHAPTER 1172

An act to amend Section 1032 of the Code of Civil Procedure, relating to court costs in superior courts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1032 of the Code of Civil Procedure is amended to read:

1032. In the superior court, except as otherwise expressly provided, costs are allowed of course:

(a) To plaintiff upon a judgment in his favor: in an action for the recovery of real property; in an action to recover the possession of personal property; in an action for the recovery of money or damages; in a special proceeding; in an action which involves the title or possession of real estate or the legality of a tax, impost, assessment, toll, or municipal fine.

(b) To the defendant upon a judgment in his favor in special proceedings and in the actions mentioned in subdivision (a) of this section, or as to whom the action is dismissed. When there are several defendants in any action mentioned in subdivision (a) of this section, not united in interest, and making separate defenses by separate answers, and plaintiff fails to recover judgment against all, the court must award costs to such of the defendants as have judgment in their favor.

(c) In other actions than those mentioned in this section costs may be allowed or not, and, if allowed, may be appor-

tioned between the parties, on the same or adverse sides, in the discretion of the court.

(d) In all actions, whether mentioned in this section or not, if the prevailing party recovers a judgment that could have been rendered in a court inferior in jurisdiction in the county or city and county, such prevailing party shall not recover costs unless the judge, who presided at the trial, or, in the event of his inability for any reason to act, some other judge of the court, in his discretion, makes an order, allowing costs or such part thereof as he deems proper.

CHAPTER 1173

An act to amend Section 1711.5 of the Welfare and Institutions Code, relating to employment of case hearing representatives by the Youth Authority.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1711.5 of the Welfare and Institutions Code is amended to read:

1711.5. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority vote of those present.

Provided, however, that the authority may assign any individual member as a referee to review and take action in the name of the Youth Authority; and provided further, that the Youth Authority may employ case hearing representatives to act as referees and who shall participate with Youth Authority members in the hearing of cases. Decisions or actions of a Youth Authority referee are not effective until concurred in by another member of the authority.

CHAPTER 1174

An act to amend Sections 3325 and 5076.1 of the Penal Code, relating to employment of case hearing representatives by the Adult Authority and the Board of Trustees, California Institution for Women.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3325 of the Penal Code is amended to read:

Board of Trustees, California Institution for Women Powers and duties

3325. The board shall have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies as the Adult Authority exercises over male prisoners, and the superintendent shall, subject to the control of the director, have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies, as the wardens now exercise over male prisoners.

The Board of Trustees of the California Institution for Women may advise the Director of Corrections in the establishment of general policies for the operation and maintenance of the California Institution for Women and for the establishment of general policies for the care, custody, treatment, training, discipline and employment of those confined in the institution.

The director may advise the Board of Trustees of the California Institution for Women in the establishment of general policies relating to the functions and duties of the Board of Trustees of the California Institution for Women.

The director shall attend at least once annually a regular meeting of the board of trustees while the board is fixing sentences and release dates.

The board may employ case hearing representatives who shall participate with the board in the hearing of cases relating to term fixing and paroles. The case hearing representative assigned to participate in the hearing of any such case shall prepare a case study and evaluation which he shall submit to the board.

SEC. 2. Section 5076.1. of said code is amended to read:

Adult Authority

5076.1. The Adult Authority shall meet at each of the state prisons at such times as may be necessary for a full and complete study of the cases of all prisoners whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Adult Authority. Each member of the Adult Authority shall receive his actual necessary traveling expenses incurred in the performance of his official duties

The Adult Authority may meet and transact business in panels. Each Adult Authority panel shall consist of at least two members of the authority. Two members of the Adult Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority vote of the members present.

The Adult Authority may employ case hearing representatives who shall participate with the authority in the hearing of cases relating to term fixing and paroles. The case hearing representative assigned to participate in the hearing of any such case shall prepare a case study and evaluation which he shall submit to the authority.

CHAPTER 1175

An act to amend Section 5075 of the Penal Code, relating to membership of the Adult Authority.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5075 of the Penal Code is amended to read:

5075. The Adult Authority shall be composed of seven members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment.

The Chairman of the Adult Authority shall be designated by the Governor from time to time.

The terms of the members shall expire as follows: one on March 15, 1952, two on March 15, 1953, two on March 15, 1955, one on March 15, 1956, and one on March 15, 1958. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term.

Persons appointed to the Adult Authority shall have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which convicted. Insofar as practicable members shall be selected who have a varied and sympathetic interest in corrections work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, and education.

CHAPTER 1176

An act to amend Section 10757 of the Revenue and Taxation Code, relating to additional unpaid vehicle license fees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10757 of the Revenue and Taxation Code is amended to read:

10757. (a) No additional license fee shall be imposed under this part upon any vehicle upon the transfer of ownership of the vehicle if any license fee due thereon has already been paid for the year in which the transfer of ownership occurs.

(b) In the event that additional fees are required on a vehicle due to a prior departmental error, no penalty shall be assessed against the application for the transfer of registration when the required additional fees are paid.

CHAPTER 1177

An act to amend Section 11003.1 of the Revenue and Taxation Code, relating to the semiannual reports to counties on trailers registered.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 11003.1 of the Revenue and Taxation Code is amended to read:

11003.1. On or after the first day of January and the first day of July 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 January 1st and July 1st, respectively, and the amount paid under this part on each trailer coach.

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.

CHAPTER 1178

An act to amend Section 14449 of the Education Code, relating to the State Teachers' Retirement System.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 14449 of the Education Code is amended to read:

14449. The member shall receive credit for time during which he serves in the active military service of the United States or of the State including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross rendered prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States Government, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter, within one year prior to entering such service. Time during which a member for other cause, is absent without compensation, on leave or otherwise, shall not be included except as provided in Section 14447. Time in-

cluded under this section shall be considered as served in the state in which the member was last employed before entering such service.

Notwithstanding other provisions of this chapter, a member who has voluntarily requested or hereafter so requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall not receive credit for time during which he serves in such military service and which is after January 1, 1958, or after the expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later.

For the purposes of this section war with a foreign power exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

CHAPTER 1179

An act to add Sections 12979, 12980, 12981 and 12982 to the Revenue and Taxation Code, to amend Sections 12256, 12258, 12403, 12434, 12977, 12978, and 12999, of said code, and to repeal Sections 12257, 12259, 12260, 12261, 12262, 12831 and 12976 of said code, all relating to insurance taxation.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 12256 of the Revenue and Taxation Code is amended to read:

12256. The rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent. Tax rate

SEC. 2. Section 12257 of said code is repealed. Repeal

SEC. 3. Section 12258 of said code is amended to read:

12258. Each insurer shall have the right to deduct from the tax imposed by this article upon an insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this State. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof. Deductions

Repeals

SEC. 4. Section 12259 of said code is repealed.

SEC. 5. Section 12260 of said code is repealed.

SEC. 6. Section 12261 of said code is repealed.

SEC. 7. Section 12262 of said code is repealed.

SEC. 8. Section 12403 of said code is amended to read:

Insurance Commissioner's report

12403. Annually, on or before July 1st, the Insurance Commissioner shall make and file with the board a report showing:

(a) All domestic and foreign insurers engaged in the business of insurance in this State within the preceding year.

(b) In the case of insurers not having transacted title insurance in this State, the total amount of the gross premiums, other than premiums for reinsurance and for ocean marine insurance, received from its business in this State by each insurer during the preceding year.

(c) In the case of insurers having transacted title insurance in this State, all income upon business done in this State during the preceding year by each insurer, constituting the basis of the tax imposed by Section $14\frac{4}{5}$ of Article XIII of the Constitution and by Section 12251, subject to the definitions, exceptions and exclusions of Sections 12253, 12254 and 12255.

(d) The amount of return premiums paid during the preceding year on business done in this State by each insurer.

(e) The amount, conforming to the requirements of Section 12258, of taxes paid during the preceding year by each insurer on real estate owned by it in this State, and where the real estate is located.

SEC. 9. Section 12434 of said code is amended to read:

Failure to file

12434. If an insurer has not filed within the time prescribed the statement required by either Article 3 of Chapter 2 or Article 2 of Chapter 3 of this part, the board shall note such fact and shall assess the insurer upon the basis of the Insurance Commissioner's estimate and other available information. The board shall add to the tax a penalty in the smaller of the following amounts:

(a) Five hundred dollars ($500), or

(b) Five (5) percent of the tax, or

(c) Fifty dollars ($50) for each day or fraction thereof elapsing between the due date of the statement and the date on which filed.

Repeals

SEC. 10. Section 12831 of said code is repealed.

SEC. 11. Section 12976 of said code is repealed.

SEC. 12. Section 12977 is amended to read:

Erroneous, etc., collection or computation

12977. If the board determines that any tax or penalty 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 Board of Control the amount of the taxes or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be credited to the insurer to whom it rightfully belongs at the time of the next payment of taxes following the

approval, and at the time of such future payments as is necessary to completely credit the excess. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars ($25) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any tax which will become due and payable after the next assessment against the insurer by whom the amount was paid.

SEC. 13. Section 12978 of said code is amended to read:

Claim for credit

12978. No claim for a credit shall be credited, approved or allowed unless presented either to the Insurance Commissioner or the board within three years after October 15th of the year in which the tax was assessed.

SEC. 14. Section 12979 is added to said code, to read:

Same

12979. Every claim for credit shall be in writing and shall state the specific grounds upon which it is founded.

SEC. 15. Section 12980 is added to said code, to read:

Same

12980. Failure to file a claim for credit within the time prescribed in this article constitutes a waiver of any demand against the State on account of overpayment.

SEC. 16. Section 12981 is added to said code, to read:

Same

12981. Within 30 days after disallowing any claim for credit in whole or in part the board shall mail notice of its action to the claimant at its address as it appears in the records of the board.

SEC. 17. Section 12982 is added to said code, to read:

Same

12982. If the claim for credit is presented to the Insurance Commissioner he shall forthwith transmit it to the board, together with a statement of any information he may have concerning the subject of the claim.

SEC. 18. Section 12999 of said code is amended to read:

Limitation

12999. The assessment and levy of an additional tax or the allowance of credit for an overpayment of tax may be made by the board only within the later of the following:

(a) Three years after October 15th of the year in which the assessment being corrected was made.

(b) One year after October 15th next succeeding the date when a judgment determining a failure to assess, overassessment, overpayment, or miscomputation becomes final.

CHAPTER 1180

An act to amend Section 26202 of the Government Code, relating to the destruction of county records.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 26202 of the Government Code is amended to read:

26202. The board may authorize the destruction or disposition of any record, paper, or document which is more than two years old and which was prepared or received in any manner other than pursuant to a state statute or county charter. Such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained.

CHAPTER 1181

An act to amend Section 3262 of the Unemployment Insurance Code, relating to voluntary unemployment disability insurance plans.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3262 of the Unemployment Insurance Code is amended to read:

3262. The director may withdraw his approval of any voluntary plan if he finds that there is danger that the benefits accrued or to accrue will not be paid, that the security for such payment is insufficient, or for other good cause shown. The director shall give notice of his intention to withdraw approval of a plan to the employer, employee group, and insurer. The notice shall state the effective date and the reason for the withdrawal. The employer, employee group or insurer may, within 10 days from mailing or personal service of the notice, appeal to the Appeals Board. The 10-day period may be extended for good cause. The Appeals Board may prescribe by regulation the time, manner, method and procedure through which it may determine appeals under this section. The director may change or stay the effective date of his withdrawal of approval.

CHAPTER 1182

An act to amend Section 1735 of the Unemployment Insurance Code, relating to the liability of corporate officers with respect to contribution returns.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1735 of the Unemployment Insurance Code is amended to read:

1735. Any officer of a domestic or foreign corporation, whose duty it is to prepare or to supervise the preparation of contribution returns, who wilfully fails to comply with the

provisions of Section 1091 shall be held personally liable for all contributions, penalties, and interest which may be due, owing and unpaid by such corporation to the Unemployment Fund or the Disability Fund at the time of quitting business, dissolution or withdrawal.

CHAPTER 1183

An act to amend Sections 701, 705, 707 and 709 of the Unemployment Insurance Code, relating to elective coverage for unemployment and disability insurance.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 701 of the Unemployment Insurance Code is amended to read:

Employing unit

701. An employing unit, not otherwise subject to this division, which files with the director its written election to become an employer for not less than two calendar years, shall, with the written approval of the election by the director, become an employer subject to this division to the same extent as other employers as of the date stated in the approval. For the purposes of this section only the term employing unit shall also mean a credit union organized in accordance with the provisions of the Federal Credit Union Act, as amended.

SEC. 2. Section 705 of said code is amended to read:

Termination of agreement

705. An elective coverage agreement approved by the director pursuant to any section of this article 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, or the State, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions, or department or unit thereof, on or before the thirty-first day of January of that year, has filed with the director a written application for termination.

SEC. 3. Section 707 of said code is amended to read:

Notice

707. Every employing unit which files an election to become an employer pursuant to Section 701, 702 or 703 or an application for termination pursuant to Section 705, shall post and maintain printed notices of such election or application on his premises, as prescribed by authorized regulation. Individuals in the employ of any employing unit which files an election to become an employer shall be given a reasonable opportunity to file objections or to be heard in the matter prior to the director's approval of the election.

SEC. 4. Section 709 of said code is amended to read:

Public employers

709. The State, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions may file with the director a written election to become an employer

subject to this division for not less than two calendar years, or to have any of its departments or units become employers subject to this division for not less than two calendar years, and to have the services performed by its employees constitute employment subject to this division for such period. It shall post and maintain printed notices of such election on its premises, as prescribed by authorized regulations. If the director finds that a majority of the employees to be affected by the election to become an employer have voted in favor thereof, such state, political subdivision thereof, instrumentality, or department or unit thereof shall, upon the written approval of the election by the director, 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.

Application

SEC. 5. The provisions of Sections 705 and 709 of the Unemployment Insurance Code as amended at the 1957 Regular Session of the Legislature shall be applicable to elections for coverage filed on and after the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature. The provisions of said Sections 705 and 709 as they existed prior to the effective date of the amendments enacted at the 1957 Regular Session of the Legislature shall remain applicable to elections for coverage filed prior to the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 1184

An act to amend Sections 136, 632, 902, 903, 934, 935, 982, and 2605 of, and to repeal Sections 977 and 1059 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 136 of the Unemployment Insurance Code is amended to read:

"Federal Unemployment Tax Act"

136. "Federal Unemployment Tax Act" means Chapter 23 of Subtitle C of the Internal Revenue Code of 1954, or the corresponding provisions of any other federal act into which such provisions may hereafter be incorporated.

SEC. 2. Section 632 of said code is amended to read:

"Employment"

632. "Employment" does not include service performed in the employ of the United States Government or of any instrumentality of the United States, but if Congress permits the states to require any instrumentalities of the United States to

make payments into a fund under a state unemployment compensation act, and to comply with state regulations thereunder, then, to the extent permitted by Congress all of the provisions of this division shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals and services.

If this State is not certified by the Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954 for any year, then the payments required of such instrumentalities and their workers with respect to such year shall be refunded from the Unemployment Fund without interest.

SEC. 3. Section 902 of said code is amended to read:

902. "Computation date" means the close of business on June 30th, of each calendar year for the purpose of establishing contribution rates for the next succeeding calendar year. "Computation date"

SEC. 4. Section 903 of said code is amended to read:

903. "Rating period" means the full calendar year next succeeding any computation date. "Rating period"

SEC. 5. Section 934 of said code is amended to read:

934. "Wages" does not include any payment made to, or on behalf of, an employee or his beneficiary: "Wages"

(a) From or to a trust described in Section 401(a) of the Internal Revenue Code of 1954 which is exempt from tax under Section 501(a) of that code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust.

(b) Under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1954.

SEC. 6. Section 935 of said code is amended to read:

935. "Wages" does not include the payment by an employer, without deduction from the remuneration of the employee, of the tax imposed upon an employee under Section 3101 of the Internal Revenue Code of 1954 (or the corresponding section of prior federal law), or of any payment required from an employee under a state unemployment compensation law. Same

SEC. 7. Section 977 of said code is hereby repealed. Repeal

SEC. 8. Section 982 of said code is amended to read:

982. No employer shall be eligible for a contribution rate of less than 2.7 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 978 or 979. Contribution rate

SEC. 9. Section 1059 of said code is hereby repealed. Repeal

SEC. 10. Section 2605 of said code is amended to read:

Nonconformity with federal law

2605. If at any time the Secretary of Labor or other higher authority rules or determines that any section of this part is not in conformity with the provisions of Title III of the Social Security Act or Section 3302 and Section 3303 of the Federal Unemployment Tax Act by reason of any provision contained in this part, such section shall be immediately inoperative.

Effect

SEC. 11. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal, shall be abolished or impaired by this act.

CHAPTER 1185

An act to amend Sections 10970 and 11105 of, to repeal Section 11090 of, and to add Section 11090 to, the Insurance Code, relating to fraternal benefit societies.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 10970 of the Insurance Code is amended to read:

Fraternal benefit societies

10970. Fraternal benefit societies shall be governed by this chapter and shall be exempt from all other provisions of this code, except:

(a) Those provisions prior to Division 1 entitled "General Provisions."

(b) Sections 880, 881, 10112, 10114, 10171, and 10172.

(c) Articles 15 and 17 of Chapter 1, Part 2, Division 1.

(d) Those provisions specifically referred to in this chapter to the extent made necessary by such reference.

A statute relating to insurance shall not apply to them, unless they are expressly designated therein.

SEC. 2. Section 11105 of the Insurance Code is amended to read:

Service

11105. Service may be made upon the commissioner. Such service shall be made in duplicate, and shall constitute sufficient service upon the society. No such service shall require a society to file its answer, pleading or defense in less than 30 days from the date of mailing the copy of the service to a society. When legal process against a society is served upon the commissioner, he shall forthwith forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. At the time of service any process upon the commissioner, the plaintiff or complainant in the action shall pay to the commissioner a fee of two dollars ($2).

Repeal

SEC. 3. Section 11090 of the Insurance Code is repealed.

SEC. 4. Section 11090 is added to the Insurance Code, to read:

11090. Subject to the annual fee provisions as provided herein, every certificate of authority issued to a fraternal benefit society shall be for an indefinite term and shall expire with the expiration or termination of a corporate existence of the holder thereof unless sooner revoked by the commissioner. The commissioner shall require the payment of twenty dollars ($20) in lawful money of the United States, in advance as a fee for filing an application for each original certificate of authority authorizing any fraternal benefit society to transact insurance in this State. Each society possessing a certificate of authority of indefinite term shall owe and pay an annual fee of twenty dollars ($20) in lawful money of the United States in advance on account of such certificate until its final expiration or revocation. Such fee shall be for annual periods commencing on July 1, 1958, and on July 1st of each year thereafter, and ending on June 30, 1959, and on June 30th of each year thereafter and shall be due on June 1, 1958, and each June 1st thereafter and shall be delinquent on and after June 15, 1958, and each June 15th thereafter. A duly certified copy or duplicate of such certificate of authority shall be prima facie evidence that the holder is a fraternal benefit society within the meaning of this chapter.

Term

Fee

CHAPTER 1186

An act to amend Section 20373 of the Education Code, relating to the duties, classification and compensation of state college employees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20373 of the 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 classifications of all presidents, officers, and employees of the state colleges 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, positions as vocational instructors, and positions as teachers and instructors filled on a fiscal year basis

shall be classified by the director. 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 1187

An act to add Section 18853.5 to the Government Code, relating to employees in state service.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18853.5 is added to the Government Code, to read:

18853.5. (a) The board may authorize payments into a private fund to provide health and welfare benefits to nonpermanent employees in classes compensated in accordance with the provisions of Section 18853 where the board finds as to any such position that:

(1) Such payments by employers are the prevailing practice in comparable employment in the locality of the work and the payments are for the purpose of providing to employees specified benefits such as, but not limited to, hospital, medical, surgical and life insurance; sick leave, vacation allowance, pensions, supplementary unemployment and disability compensation, and other similar or related health and welfare benefits, or any combination thereof.

(2) Participation in the benefits provided by such funds is not limited to state employees.

(3) The provisions of the plans which provide the benefits meet the standards established by the board.

(b) Payments made by the State to any such fund on behalf of any employee shall be in lieu of benefits such as vacation allowance, sick leave, and retirement which are now or may hereafter be granted directly by the State in accordance with law.

(c) The board is empowered to determine the equitable application of this section to insure that the employees receive benefits comparable to, but not in excess of those provided in comparable private employment.

(d) The payments authorized by this section shall be a proper charge against any funds available for the support of the employing agency.

CHAPTER 1188

An act to amend Sections 1178, 1703, 1755, 1785, 1815, and 1852 of, and to repeal Section 1817 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

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) A claim for refund or credit may be filed with the director for any overpayment including, but not limited to, amounts paid subsequent to the filing for record of a certificate under Section 1703 or the entry of a judgment under Section 1815. Refunds

(b) 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.

(c) 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.

SEC. 2. Section 1703 of said code is amended to read:

1703. If an employing unit is delinquent in a 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 10 years after the last entry of a judgment under Section 1815, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the name and address as it appears on the records of the department of the employing unit liable for the same and the fact that the department has complied with all provisions of this division in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all the property in the county owned by the person or acquired by him before the lien expires, except that with respect to personal property the lien shall not be valid against a purchaser for value without actual knowledge of the lien. The lien has the force, effect, and priority of Delinquencies

Lien

a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to all the property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 3. Section 1755 of said code is amended to read:

Notice

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 10 years after the last entry of a judgment under Article 5 of this chapter or within 10 years after the last filing for record 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. 4. Section 1785 of said code is amended to read:

Warrant

1785. If any amount required to be paid under this division is not paid when due, the director or his authorized representative may, not later than three years after the payment became delinquent, or within 10 years after the last entry of a judgment under Article 5 of this chapter or within 10 years after the last filing for record of a certificate under Section 1703, 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 division. 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.

SEC. 5. Section 1815 of said code is amended to read:

1815. If any 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 10 years after the last entry of a judgment under this article or within 10 years after the last filing for record of a certificate under Section 1703, file in the Office of the County Clerk of Sacramento County, or with the county clerk of the county in which the employer has his principal place of business, a certificate specifying the amount of the contributions, interest and penalty due and the name and last known address of the employer liable therefor. The certificate shall also contain a statement that the director has complied with all the provisions of this division in relation to the computation and levy of the contributions, interest and penalty, and a request that judgment be entered against the employer in the amount set forth in the certificate. The county clerk immediately upon the filing of the certificate shall enter a judgment for the State of California against the employer in the amount set forth in the certificate. Such judgment may be filed by the county clerk in a loose-leaf book entitled "Unemployment Contributions Judgments." Judgment

SEC. 6. Section 1817 of said code is hereby repealed. Repeal

SEC. 7. Section 1852 of said code is amended to read:

1852. In addition to any other collection procedures authorized in this division, the director may bring an action in the courts of this or any other state or of the United States, in the name of the State of California, to collect the amount of any delinquent employer or worker contributions together with penalties and interest. No such action shall be commenced later than: Court actions

(a) Three years after the date on which any amount due on a return filed by an employing unit or on an assessment made by the director becomes delinquent.

(b) Ten years after:

(1) The date on which a judgment is last entered under Article 5 of this chapter.

(2) The date on which a certificate is last recorded under Article 1 of this chapter.

CHAPTER 1189

An act to amend Section 12126 of the Revenue and Taxation Code, relating to reports filed with the Insurance Commissioner.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 12126 of the Revenue and Taxation Code is amended to read:

12126. Annually, on or before May 1st, every insurer transacting ocean marine insurance in this State shall file with the Insurance Commissioner a statement of all the items pertaining to its insurance business as defined and prescribed in Article 1 of this chapter.

CHAPTER 1190

An act to amend Section 27821 of the Government Code, relating to constables.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 27821 of the Government Code is amended to read:

27821. Except as provided in this chapter, constables shall charge and collect for their services the fees, expenses and mileage allowed by law to sheriffs.

CHAPTER 1191

An act to amend Section 71266 of the Government Code, relating to marshals and constables.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 71266 of the Government Code is amended to read:

71266. Marshals and constables shall charge and collect for their services the fees, expenses and mileage allowed by law to sheriffs, except insofar as other provision is made for constables in Chapter 2, Part 4, Division 2 of Title 3. They shall pay such fees into the county treasury on or before the fifth day of each month, except where such fees, expenses and mileage or a percentage of them are allowed such officers.

CHAPTER 1192

An act to amend Section 1462.2 of the Penal Code, relating to procedure after arrests for misdemeanors.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1462.2 of the Penal Code is amended to read:

1462.2. Except as otherwise provided in the Vehicle Code, the proper court for the trial of criminal cases amounting to misdemeanor shall be determined as follows: If there is a municipal or justice court, having jurisdiction of the subject matter of the case, established in the district within which the offense charged was committed, such court is the proper court for the trial of the case; otherwise, the court, having jurisdiction of the subject matter, nearest to the place where the offense was committed is the proper court for the trial of the case.

If an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof other than the court herein designated as the proper court for the trial, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he pleads, requests an order transferring the action or proceeding to the proper court. If after such request it appears that the action or proceeding was not commenced in the proper court, the court shall order the action or proceeding transferred to the proper court. The judge must, at the time of arraignment, inform the defendant of his right to be tried in the district wherein the offense was committed.

CHAPTER 1193

An act to amend Section 1425 of the Penal Code, relating to justice courts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

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, under Section 502 of the Vehicle Code, and under subdivision (b) of Section 476a of the Penal 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 1194

An act to amend Section 714 of the Code of Civil Procedure, relating to examination of judgment debtors.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

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. However, a judgment debtor may not, pursuant to this section, be required to appear and answer more frequently than every four months. This section shall not be construed to restrict the rights granted by Section 715.

CHAPTER 1195

An act to amend Section 990 of the Code of Civil Procedure, relating to summons in proceeding against joint debtor.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 990 of the Code of Civil Procedure is amended to read:

990. The summons specified in Section 989 shall be issued by the clerk, or by the judge if there be no clerk, upon presentation of the affidavit specified in Section 991, and must describe the judgment, and require the person summoned to show cause why he should not be bound by it, and must be served in the same manner, and returnable no later than ninety (90) days after the time specified for the return of the original summons. It is not necessary to file a new complaint.

CHAPTER 1196

An act to amend Section 424 of the Government Code, relating to the official colors of the State.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 424 of the Government Code is amended to read:

424. The official colors of the State are blue and gold. The specifications, references, and designations for the official colors are as follows:

Specifications: National Bureau of Standards, Research Paper RP 1700.

International Commission on Illumination:

Blue: Y 0.063 x 0.204 y 0 165

Gold: Y 0.449 x 0.474 y 0.458

Munsell Renotation:

Blue: H V/C 7.3 PB 2.9/8.8

Gold: H V/C 2.0 Y 7.1/11 3

Munsell Book Notation:

Blue: H V/C 7.2 PB 2.9/9.1

Gold: H V/C 1 Y 7.3/11

References: Textile Color Card Association of New York, Inc.

Blue: Yale Blue, cable number 70086, Standard Color Card of America, 9th edition

Gold · Golden Yellow, cable number 65001, United States Army Card of Official Colors for Arms and Services.

Designations: Inter-Society Color Council-National Bureau of Standards:

Yale Blue: Deep purplish blue.

Golden Yellow: Vivid yellow.

CHAPTER 1197

An act to amend Section 25254 of the Government Code, relating to the preparation and printing of reports.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25254 of the Government Code is amended to read:

25254. The board may cause to be prepared and printed:

(a) An annual statement showing valuations of property, taxes levied, tax rates, legal requirements, and other information on assessment of property and collections of taxes.

(b) An annual budget adopted by the board of supervisors.

(c) County ordinances and reports or statements of rules or procedures of the county or of any of the offices or departments of the county government.

CHAPTER 1198

An act to amend Section 29712 of the Government Code, relating to submission and payment of claims.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 29712 of the Government Code is amended to read:

Procedure for allowance, etc., of claims

29712. In order to meet the needs of the particular county, the board may adopt a different form or forms for the submission and payment of claims, and may prescribe and adopt warrant forms separate from claim forms, to the end that the approved claims may be permanently retained in the auditor's office as vouchers supporting the warrants issued. It may prescribe a different procedure for the allowance and payment of claims but the form of claim so adopted shall provide:

(a) For the approval of the officer directing the expenditure. In counties having a system under which expenditures may be initiated by requisition, the approval may be omitted from claims initiated by requisition.

(b) For the approval of the purchasing agent or other officers issuing the purchase order under which the charge was incurred, or having charge of contracts or schedules of salaries under which the claim arose.

(c) For the approval of at least one member of the board. In lieu of the supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing, as to each claim, the name of the claimant, the amount allowed, and the date of allowance. The lists shall be certified to the board by the clerk of the board or other competent officer or employee designated by it for the purpose, as being a true list of claims properly and regularly coming before the board. Upon allowance of claims each of the lists, after amendment if necessary, shall be certified to as having been allowed by the board, the date allowed, and that such lists are correct by one member of the board or by the clerk of the board and filed, one in the office of the clerk of the board and one in the office of the auditor. When filed the lists constitute respectively the "allowance book" and the "warrant book."

(d) For the certificate of the clerk of the board as to the date and amount of allowance of the claim by the board. If

the duplicate lists of claims allowed are filed, the certificate may be omitted, but in its stead there shall appear on each claim a reference by date, number, or otherwise to the list on which the claim appears listed as allowed.

(e) For the certificate of the clerk of the board or of the auditor as to the correctness of the computations.

(f) For the auditor's approval.

CHAPTER 1199

An act to amend Section 25904 of the Government Code, relating to a special tax levy to provide funds for fairs and expositions.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25904 of the Government Code is amended to read:

25904. The board of supervisors may levy a special tax, not to exceed four cents ($0.04) on each one hundred dollars ($100) of taxable property, on the taxable property within the county for the purpose of creating a fund to encourage immigration, increase trade in the products of the State and of the county, and promote the industrial, livestock, agricultural, horticultural, viticultural, and pastoral pursuits of the county.

The fund may be used for the purposes of:

(a) Collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition.

(b) Making contribution to the support of any local fair or exhibition of industrial, agricultural, horticultural, viticultural, or pastoral products maintained by any public agency, county agricultural association, county fair association, or chamber of commerce in the county. If there is no such fair or exhibition in the county, the contribution may be made to the support of a fair or exhibition maintained by a group of counties of which the contributing county is one.

The contribution may be used by the agency for the general conduct of the fair or exhibition, including the giving of premiums, in the name of the county, for competitive excellence in industrial, agricultural, livestock, horticultural, viticultural, and pastoral products at the fair or exhibition.

CHAPTER 1200

An act to amend Sections 74642 and 74643 of the Government Code, relating to the municipal court established in a district embracing the City of Santa Barbara.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 3, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 74642 of the Government Code is amended to read:

Salaries

74642. There shall be one clerk, two deputy court clerks, one deputy clerk II, and five deputy clerks I, each of whom shall receive a salary in accordance with Section 74643.

SEC. 2. Section 74643 of said code is amended to read:

Monthly schedule

74643. The monthly salaries for the following positions shall be, and shall be increased in accordance with the schedule set forth below:

	A	B	C	D	E
Clerk of the municipal court	$392	$412	$433	$455	$478
Deputy court clerk	322	338	355	373	392
Deputy clerk II	292	307	322	338	355
Deputy clerk I	265	278	292	307	322
Marshal	392	412	433	455	478
Deputy marshals	338	355	373	392	412
Interpreter clerk	278	292	307	322	338

Increases

A one-year service period shall be required for each step. Annual step salary increases provided herein shall be effective as to each officer and employee on his anniversary date. For purposes of this section "anniversary date" means the effective date of the 1957 amendment to this section for those officers and employees whose compensation is increased on said effective date and means the date of first employment or date of last salary increase whichever is later for all other officers and employees. Additional emergency court employees authorized by Sections 72150 and 72151 of the Government Code shall be entitled to the compensation set forth in column B after one full year of service. By reason of prior service in such capacities, on the effective date of the amendments to this section enacted by the Legislature at the 1957 Regular Session, the salaries of the deputy court clerk and deputy court clerk II who were first employed after January 1, 1954, shall be set in column A; the salary of the interpreter clerk shall be set in column A; the salaries of clerks I who were first employed after September 1, 1956, shall be set in column A; the salaries of the deputy marshals who were first employed prior to September 1, 1956, holding such positions on January 1, 1957, shall be set in column B; the salaries of all clerks I who were first employed prior to September 1, 1956, holding

such positions on January 1, 1957, shall be set in column C; the salary of the marshal who was first employed prior to January 1, 1954, holding such position on January 1, 1957, shall be set in column E. The salaries of the clerk and of the deputy court clerk who were first employed prior to January 1, 1954, holding such positions on January 1, 1957, shall be set in column E.

CHAPTER 1201

An act to amend Section 117 of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed one hundred fifty dollars ($150), 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 fifty dollars ($150) or less.

Actions shall be commenced and maintained in small claims court as follows:

(1) When a defendant has contracted to perform an obligation in a particular judicial district, an action founded on such obligation may be commenced and maintained either in the judicial district where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action.

(2) When the action be for injury to person or to personal property, either the judicial district where the injury occurs, or where the defendants, or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

(3) In all other cases, actions shall be commenced and maintained in the judicial district in which the defendant, or any such defendant, resides at the commencement of the action.

CHAPTER 1202

An act to amend Section 8653 of, and to add Section 8755 to, the Revenue and Taxation Code, relating to the use fuel tax.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 8653 of the Revenue and Taxation Code is amended to read:

Operation off highway

8653. No tax shall be imposed upon fuel used in any motor vehicle when the user establishes to the satisfaction of the board that the vehicle is operated exclusively off the highway.

SEC. 2. Section 8755 is added to said code, to read:

Additional reports and payments

8755. The board, if it deems it necessary in order to insure payment of the tax imposed by this part, or to facilitate the administration of this part, may require reports and payment of the tax to be made for other than monthly periods.

CHAPTER 1203

An act to add Section 19131 to the Education Code, relating to school district libraries.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 19131 is added to the Education Code, to read:

19131. With the consent of the county board of education, in those counties in which the county superintendent of schools performs library services for the school library of any district, the governing board of the school district may agree with the proper authorities of the county to terminate the affiliation of the district with the county superintendent of schools with respect to library services. The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for either:

(a) The complete withdrawal of affiliation effective on the first day of July next succeeding, or

(b) A gradual withdrawal over a period of not to exceed five years beginning on the first day of July next succeeding the termination of proceedings.

The county board of education shall adopt rules and regulations governing such a gradual withdrawal, including the period to be covered, not to exceed five years, the amount of payment for each year, and the amount of service to be rendered. The terms of such gradual withdrawal shall comply with such rules and regulations.

CHAPTER 1204

An act to amend Sections 20024.1, 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.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

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 8.74 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 28.47 percent of the compensation paid state patrol members. State 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 7.34 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 14.96 percent of the compensation paid warden members. Warden members

SEC. 5. Section 20024.1 of said code is amended to read:

20024.1. For a local member who is an employee of a contracting agency which, by the provisions of its contract with the board, is subject to the provisions of Section 20025 of this code, and for no other member, "final compensation," shall be subject to the provisions of Section 20025, under which a member, who is afforded an election thereunder, but does not make the election, may have more than one final compensation. Contracting agency employee

SEC. 6. Section 20750.11 of said code is repealed. Repeals

SEC. 7. Section 20750.21 of said code is repealed.

SEC. 8. Section 20750.31 of said code is repealed.

SEC. 9. Section 20750.41 of said code is repealed.

CHAPTER 1205

An act to amend Section 20890 of the Government Code, relating to State Employees' Retirement System.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20890 of the Government Code is amended to read:

20890. A member is absent on military service when he is absent from state service by reason of service with the armed forces or the Merchant Marine of the United States, or on ships operated by or for the United States Government, either during a war involving the United States as a belligerent or in any other national emergency or in time of peace if he is drafted for such service by the United States Government, and during any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes, and for six months thereafter; provided, that an absence on military service of a member who has voluntarily requested or hereafter so requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall be deemed terminated on January 1, 1958, or upon expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later. A member shall also be considered as having been absent on military service if he served in the military service during all or part of the period of September 16, 1940, to December 7, 1941.

For the purposes of this section a war involving the United States as a belligerent exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

CHAPTER 1206

An act to amend Section 69900 of the Government Code, relating to appointment of judicial employees in a county with a population over 750,000 and under 900,000.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county with a population of over 750,000 and under 900,000, a majority of the judges of the superior court may appoint the following employees:

(a) One grand jury statistician at an annual salary of seven thousand five hundred dollars ($7,500).

(b) Six senior legal stenographers, each at an annual salary of five thousand six hundred forty dollars ($5,640).

(c) One senior clerk at an annual salary of five thousand two hundred eighty dollars ($5,280).

(d) Two information deputies, each at an annual salary of four thousand one hundred forty dollars ($4,140).

(e) One probate court commissioner at an annual salary of twelve thousand dollars ($12,000).

(f) One chief calendar clerk at an annual salary of seven thousand two hundred dollars ($7,200).

(g) One domestic relations court commissioner at an annual salary of eight thousand four hundred dollars ($8,400).

(h) Two domestic relations deputy commissioners, each at an annual salary of six thousand six hundred dollars ($6,600).

(i) One domestic relations deputy commissioner at an annual salary of six thousand nine hundred dollars ($6,900).

(j) One law clerk at an annual salary of six thousand dollars ($6,000).

(k) One general clerk at an annual salary of four thousand three hundred twenty dollars ($4,320).

(*l*) One court commissioner at an annual salary of nine thousand six hundred dollars ($9,600).

CHAPTER 1207

An act to add Section 221.2 to the Vehicle Code, relating to stolen and embezzled vehicles.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 221.2 is added to the Vehicle Code, to read:

221.2. Leased and Rented Vehicles. Whenever any person who has leased or rented a vehicle wilfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, said person shall be presumed to have embezzled said vehicle.

CHAPTER 1208

An act to amend Section 28107 of the Government Code, relating to compensation for public service in counties of the seventh class.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28107 of the Government Code is amended to read:

28107. In a county of the seventh class the officers shall receive as compensation for the services required of them by

law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The chairman of the board of supervisors, ten thousand five hundred dollars ($10,500), and each other supervisor, seven thousand two hundred dollars ($7,200) a year, and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents ($0.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to the chairman and to each member of the board is in full for all official services performed by him in any public capacity.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, three dollars ($3); as a juror in the superior court, for each day's attendance, three dollars ($3). For each mile actually traveled in attending court as a juror, in going only, ten cents ($0.10); for each mile actually traveled in attending meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, in going only, ten cents ($0.10). The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

CHAPTER 1209

An act to amend Section 2055 of the Code of Civil Procedure, relating to the examination of witnesses in civil actions or proceedings.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2055 of the Code of Civil Procedure is amended to read:

2055. A party to the record of any civil action or proceeding or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent, member, agent, employee, or managing agent of any such party or person, or the agent, officer or employee of a municipal corporation which is a party to the action or proceeding, may be examined by the adverse party as if under cross-examination, subject to the rules applicable to the examination of other witnesses. The party calling such adverse witness shall not be bound by his testimony, and the testimony given by such witness may be rebutted by the party calling

him for such examination by other evidence. A party, when so called, may be examined by his own counsel, but only as to the matters testified to on such examination.

A witness other than a party, when so called, may be cross-examined by counsel for a party adverse to the party calling such witness, but only as to matters testified to on such examination.

CHAPTER 1210

An act to add Section 24635 to the Water Code, relating to irrigation districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24635 is added to the Water Code, to read:

24635. All warrants issued pursuant to vote of the electors may be certified as legal investments in accordance with the provisions of Division 10 of the Water Code. The proceeds of such warrants may, with the approval of the California Districts Securities Commission, be used and applied to the purchase or redemption of any outstanding warrants of the district.

CHAPTER 1211

An act to amend Section 901 of the Insurance Code, relating to financial statements of insurers.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 901 of the Insurance Code is amended to read:

901. A synopsis of such of the matters required to be in such statements by Sections 905, 907, 908, 913, 914, 915, 916, 920 and 1430 as the commissioner shall prescribe shall be published by each domestic insurer in the city where its home office is located and by each foreign insurer in the city where the place of business of its principal agent in this State is located. Such publication shall be made for five consecutive times in some newspaper of general circulation. If no newspaper of general circulation is published in such city, such publication shall be made in any newspaper of general circulation in the county wherein such city is located. Publication

The commissioner shall so prescribe the matters to be shown in the synopsis by causing to be prepared, and furnish Prescribed content

on demand to each insurer, printed forms delineating the format and content of such synopsis to be prepared and published by insurers. The commissioner may make such changes from time to time in such forms as seem to him best adapted to cause such publications to bring to the attention of the public in brief form the true condition of each insurer. The same forms must be so furnished on demand to all insurers engaged in the same kind of business.

The commissioner shall also cause to be prepared, and furnish on demand to each insurer, printed forms to be used by insurers in filing proof of such publication with the commissioner.

Application

This section shall be applicable to reciprocal insurers and interinsurance exchanges.

Any insurer may, at its option, on or before April 15th, file with the commissioner the text of such synopsis which it has prepared for publication. Unless on or before June 1st such insurer is notified by the commissioner in writing of corrections to be made in such text by the insurer before publishing the same, publication by the insurer of such synopsis in conformity with such text on file with the commissioner shall be conclusively presumed compliance with this section in respect to the content of such publication.

CHAPTER 1212

An act to amend Section 9359.1 of the Government Code, relating to retirement allowances of constitutional officers.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 9359.1 of the Government Code is amended to read:

Amount of benefits

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed seventy-five percent (75%) of the compensation payable to Members of the Legislature at the time the payment of the allowance is made.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a member of the Senate or Assembly) is

an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. In no event shall any retirement allowance payable under this chapter to any such member exceed forty percent (40%) of the compensation payable, at the time the payment of the allowance is made, to the officer holding the office which the retired member last held prior to his retirement; nor shall such allowance be less than five percent (5%) of the compensation payable to the retired member at the time of his retirement multiplied by the number of years of service with which he is entitled to be credited at the time of retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater.

CHAPTER 1213

An act to add Section 19180 to the Government Code, relating to state employees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19180 is hereby added to the Government Code, to read:

19180. If the board restores a rejected probationer to his position it shall direct the payment of salary to the employee for such period of time as the rejection was improperly in effect.

Salary shall not be authorized or paid for any portion of a period of rejection that the employee was not ready, able, and willing to perform the duties of his position, whether such rejection is valid or not.

There shall be deducted from any amount approved under this section any compensation the employee earned or might reasonably have earned in private or public employment during the period the rejection was improperly in effect.

CHAPTER 1214

An act to add Section 18026 to the Government Code, relating to call-back time for state employees.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18026 is hereby added to the Government Code, to read:

18026. The State Personnel Board may provide by rule for compensation to employees who are required to report back to work after completion of the normal workday, workweek or when otherwise off duty. In determining the rate and method of compensation, the board shall take into consideration the needs of state service and the practices prevailing in private business and other public employment.

CHAPTER 1215

An act to amend Sections 1593 and 7001 of, and to add Section 7206 to, the Education Code, relating to newly formed districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1593 of the Education Code is amended to read:

Effective date of formation, etc., of school districts

1593. In the case of every other action referred to in this article, the action shall be effective as to any district in any way affected by the action on the date the action is completed for the following purposes:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing boards of the school districts affected.

(c) The preparation and submission of school district budgets.

(d) The election or appointment of employees for the ensuing school year.

(e) The election or appointment of an executive officer and necessary clerical help for the governing board.

(f) The calling and conducting of elections for and the issuance and sale of school district bonds as to any district in any way affected by the action whether it be a newly formed district or one which territory has been added to or taken from by the action and including the calling and conducting of such elections only in that portion of the district remaining after territory has been excluded therefrom in any manner by such action.

(g) The exercise by the governing boards of the school districts affected of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(h) The holding of an election to determine whether a newly formed elementary school district, or a district comprised within a newly formed union or joint union elementary school district shall become a part of a high school district.

(i) The calling and conducting of elections to increase the maximum rates of tax for district or districts affected.

(j) The calling and conducting of elections for the assumption of bonded indebtedness.

(k) The unionization or uniting of the district with one or more school districts, its annexation to another school district, the unification of the district, the changing of its boundaries, or other reorganization affecting it.

(*l*) The calling and conducting of elections for the acceptance and repayment of any allocation of state funds under any state school building aid law, as to any district in any way affected by the action, whether it be a newly formed district or one which territory has been added to or taken from by the action.

(m) To expend funds acquired from the sale of school district bonds or other sources for the acquisition of school sites and the construction of school facilities.

SEC. 2. Section 7001 of said code is amended to read:

7001. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such 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: Total amount allowed

(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 financial grants to school districts pursuant to the provisions of Sections 7205 and 7206.

(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 7206 is added to said code, to read:

Apportionment
New school districts

7206. The county school service fund shall be employed by the county superintendent of schools to provide, with the approval of the county board of education, for the apportionments to any newly organized school district under his jurisdiction for use by the district during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes. The apportionment shall be approved by the Superintendent of Public Instruction

Money apportioned to a district pursuant to this section shall be used only to meet (a) the expenses of office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1593 of this code; and (c) the expenses of employing a person to act as an executive officer and necessary clerical help for the governing board.

Urgency

SEC. 4. 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 therefore go into effect immediately. The facts constituting such necessity are:

Two new junior colleges recently have been voted by the people, each covering a very sizable area of the State of Cali-

fornia. Under the present law the appointed governing board is without funds or any authority to expend funds for incidentals and the employment of a limited number of personnel to carry out the necessary requirements of law. In order that these districts may have authorization to do the things required of them by law, it is necessary that this act take effect immediately.

CHAPTER 1216

An act to amend Section 14256 of the Government Code, relating to the performance of state public work.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14256 of the Government Code is amended to read:

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may, with the approval of the Department of Finance, authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed fifty thousand dollars ($50,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the Director of Public Works may authorize the district or agency to carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the State; however, in no event shall the amount of work performed by day labor under this section exceed the sum of thirty-five thousand dollars ($35,000) in the case of agricultural district fair projects, or twenty thousand dollars ($20,000) in other cases.

CHAPTER 1217

An act to add Section 100.25 to the Streets and Highways Code, relating to street or highway work.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 100.25 is added to the Streets and Highways Code, to read:

100.25. In addition to the other matters that may be covered by the agreements authorized under Section 100.2, provisions for improvements, revisions or extensions of city streets or county highways leading to or from a freeway, deemed by the department to be necessary in accommodating the freeway traffic in making proper connections between the existing system of city streets or county roads and the freeway, may be included in such agreements and the department may perform such work as a part of the freeway construction.

CHAPTER 1218

An act to amend Section 18100 of the Government Code, relating to sick leave for state employees.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 18100 of the Government Code is amended to read:

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. Subject to board rule sick leave may be granted to employees for the purpose of physical examinations.

CHAPTER 1219

An act to amend Sections 70058 and 70102 of the Government Code, relating to fees of official reporters and additional filing fees in Alameda County.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 70058 of the Government Code is amended to read:

70058. In a county with a population of 700,000 and under 750,000, the fee required by Section 70053 shall be six dollars and fifty cents ($6.50).

SEC. 2. Section 70102 of said code is amended to read:

70102. In such event all those provisions of Article 11 applicable to a county with a population of 700,000 and under 750,000, shall be in full force in such county except those provisions of Article 11 which conflict with this article and except that the official reporters appointed pursuant to this article shall not receive the annual salary provided in Article 11 but each shall be paid forty-five dollars ($45) a day for the days he is actually on duty under order of the court, and shall hold office during the pleasure of the judge by whom he was appointed; and except that a pro tempore official reporter for the service referred to in Article 11 may be appointed by the judge presiding in the department where such reporter will serve without the written stipulation mentioned in said article, and such pro tempore official reporter shall be paid forty-five dollars ($45) a day for the days he is actually on duty under order of the court.

CHAPTER 1220

An act to amend Section 2952 of the Civil Code, relating to fictitious mortgages and deeds of trust.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2952 of the Civil Code is amended to read:

2952. Mortgages and deeds of trust of real property may be acknowledged or proved, certified and recorded, in like manner and with like effect, as grants thereof; provided, however, that a mortgage or deed of trust of real property may be recorded and constructive notice of the same and the contents thereof given in the following manner: Acknowledgment, recording, etc.

Any person may record in the office of the county recorder of any county fictitious mortgages and deeds of trust of real property. Such fictitious mortgages and deeds of trust need not be acknowledged, or proved or certified to be recorded or entitled to record. Such mortgages and deeds of trust shall have noted upon the face thereof that they are fictitious. The county recorder shall index and record such fictitious mortgages and deeds of trust in the same manner as other mortgages and deeds of trust 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 mortgage or deed of trust may be included for any and all purposes in any mortgage or deed of trust by reference therein

to any such provisions, without setting the same forth in full; provided, such fictitious mortgage or deed of trust is of record in the county in which the mortgage or deed of trust 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 mortgage or deed of trust containing such a reference is recorded, of the date such fictitious mortgage or deed of trust was recorded, the county recorder's office wherein it is recorded, and the book or volume and the first page of the records in the recorder's office wherein and at which any such fictitious mortgage or deed of trust 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 mortgage or deed of trust that are being so adopted and included therein. The recording of any such mortgage or deed of trust 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 mortgage or deed of trust, 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 mortgage or deed of trust.

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) a mortgage or deed of trust that refers to and incorporates therein provisions of a fictitious mortgage or deed of trust as provided herein, or (2) a mortgage or deed of trust that refers to and incorporates therein provisions of some other instrument theretofore recorded in the office of any county recorder, and (3) such mortgage or deed of trust, 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 mortgage or deed of trust is set forth or on the same side thereof, 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 mortgage or deed of trust set forth on such paper or document and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding.

The amendment to this section enacted by the 1957 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 1221

An act to add Section 69892.1 to the Government Code, relating to an executive officer of the superior court in a county with a population of over 2,000,000.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69892.1 is added to the Government Code, to read:

69892.1. The superior court in any county with a population of over 2,000,000 shall appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of such executive officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by such court. The annual salary of the executive officer shall be fifteen thousand dollars ($15,000), which shall be paid by the county. He shall be allowed actual traveling and other necessary expenses while engaged in the discharge of the duties of his office.

CHAPTER 1222

An act to add Sections 8961.2 and 8961.4 to, and amend Section 8961 of, the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8961 of the Health and Safety Code is amended to read:

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or members of their families which shall be limited to a spouse, parents, grandparents, unmarried children and unmarried brothers and sisters.

Residents

SEC. 2. Section 8961.2 is added to the Health and Safety Code, to read:

8961.2. Where private facilities are not available within a radius of 15 miles of decedent's residence, a decedent not otherwise eligible for burial within a cemetery of the district may be interred therein and the district shall charge a rate therefor which shall be sufficient to reimburse the district for the cost of the grave and the cost of services, and shall require a minimum deposit to the endowment care fund in the amount set forth in Section 8738 of this code or any amend-

Non-residents

ments thereto. The foregoing requirement as to charges shall not be applicable to the burial of indigents at public expense who may be interred at such rates as may be fixed by the public agency responsible for the burial.

SEC. 3. Section 8961.4 is added to the Health and Safety Code, to read:

Rates

8961.4. The board of trustees shall establish rates to be charged for burials within cemeteries of the district, which rates shall insofar as possible, be established at an amount which will permit that portion of the cemetery in which the grave is located to be maintained on a self-supporting basis and shall be such as will at least reimburse the district for the cost of the grave and the cost of services, and the board shall require a minimum deposit in the endowment care fund in the amount set forth in Section 8738 of this code or any amendments thereto.

CHAPTER 1223

An act to add Section 6622 to the Welfare and Institutions Code, relating to patients' rights and care.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6622 is added to the Welfare and Institutions Code, to read:

6622. Any patient in a state hospital, upon the consent of the superintendent and medical director of such hospital, may voluntarily donate blood to any nonprofit blood bank duly licensed by the State Department of Public Health.

CHAPTER 1224

An act to repeal Sections 12104, 12105, 12106, and 12351.5 of, to amend Sections 12004, 12005, 12100, 12300, 12351, and 12400, and the title of Chapter 2 of Part 1 of Division 11 of, to amend and renumber Sections 12102 and 12103 of, to renumber Sections 12101, 12107, 12108, and 12109 of, and to add Sections 12000.5, 12004.5, 12006, 12101, 12102, 12103, 12104, 12105, 12106, 12107, 12108, 12109, 12111.5, 12113, 12114, and 12115 to, the Health and Safety Code, relating to explosives.

In effect September 11, 1957

[Approved by Governor July 3, 1957 Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12000.5 is added to the Health and Safety Code, to read:

12000.5. "Chief" means the State Fire Marshal and assistant and deputy state fire marshals, the State Forester and his authorized representatives in the fire service maintained by the Division of Forestry, and the chief and his authorized representatives of a fire department maintained by a city, county, or fire protection district. "Chief"

SEC. 2. Section 12004 of said code is amended to read:

12004. The Public Utilities Commission may make, publish, and promulgate regulations which are not in conflict with this division, and which, in the judgment of the commission, may promote the safe packing, loading, storage, and transportation of explosives. Regulations Public Utilities Commission

SEC. 3. Section 12004.5 is added to said code, to read:

12004.5. The State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce reasonable rules and regulations for the purposes of Chapters 2 (commencing at Section 12100), 5 (commencing at Section 12350), and 6 (commencing at Section 12400) of this part. Such rules and regulations shall supersede any regulations of the Public Utilities Commission with respect to activities regulated by these chapters. Same State Fire Marshal

SEC. 4. Section 12005 of said code is amended to read:

12005. The chief having the responsibility for the prevention and suppression of fire where an act occurs giving rise to a forfeiture specified in this division may, for his own benefit, sue for the forfeiture. Forfeiture

SEC. 5. Section 12006 is added to said code, to read:

12006. This part does not apply to fireworks regulated under Part 2 (commencing at Section 12500) of this division. Fireworks

SEC. 6. The title of Chapter 2 of Part 1 of Division 11 of said code is amended to read:

CHAPTER 2. SALE OR OTHER DISPOSITION OF EXPLOSIVES

SEC. 7. Section 12100 of said code is amended to read:

12100. This chapter does not apply to any of the following persons: Exceptions

(a) Any person engaged in the transportation of explosives regulated under Division 11D (commencing at Section 729.01) of the Vehicle Code.

(b) Any person who sells or delivers explosives in interstate commerce transactions.

(c) Any sale, gift, delivery, or other disposition of a quantity of explosives in excess of 1,000 pounds.

SEC. 8. Section 12101 of said code is renumbered to read:

12110. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise. Record of sales, etc.

SEC. 9. Section 12101 is added to said code, to read:

Permit

12101. It is unlawful for any person to sell, give away, or deliver explosives to any person who does not present a permit to receive explosives issued to such person by the chief having the responsibility for the prevention and suppression of fire in the area in which the explosives are to be delivered.

SEC. 10. Section 12102 of said code is amended and renumbered to read:

Record book Contents

12111. Each notation in the journal or record book shall show, in a legible handwriting:

(a) The name and quantity of the explosive sold, delivered, given away, or otherwise disposed of.

(b) The name, residence, and business of the purchaser or transferee.

(c) The name of the individual to whom the explosive is delivered, his address, and a description of him sufficient for identification purposes.

(d) The number of the permit to receive explosives displayed by the person to whom the explosives were delivered.

SEC. 11. Section 12102 is added to said code, to read:

Application: Contents

12102. Application for a permit to receive explosives shall be made by filing a statement with the chief having the responsibility for the prevention or suppression of fire in the area in which the explosives are to be delivered, upon a form prescribed by the State Fire Marshal, showing:

(a) The name and address of the applicant.

(b) The place where and the purpose for which the explosives are intended to be used.

SEC. 12. Section 12103 of said code is amended and renumbered to read:

Inspection, location, etc.

12112. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It is at all times subject to the inspection and examination of the chief having the responsibility for the prevention and suppression of fire in the area in which the principal office or place of business is situated, on proper demand.

SEC. 13. Section 12103 is added to said code, to read:

Signature, witnesses, etc

12103. The statement shall be signed by the applicant or by his agent. It shall be witnessed by two persons known to the chief to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the applicant is personally known to them, and to the best of their knowledge and belief the explosives are required by the applicant for the purposes set forth in the statement.

Repeal

SEC. 14. Section 12104 of said code is repealed.

SEC. 15. Section 12104 is added to said code, to read:

Issuance

12104. Before issuing a permit, the chief shall:

(a) Review the statement.

(b) Ascertain that the applicant has sufficient knowledge and ability to safely handle and use explosives.

(c) Inspect the vehicle in which the applicant proposes to transport the explosives and ascertain that it is reasonably safe for that purpose.

SEC. 16. Section 12105 of said code is repealed.

SEC. 17. Section 12105 is added to said code, to read:

Denial

12105. The chief shall, in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person and to any person if he proposes to transport the explosives in a vehicle which is not reasonably safe for that purpose.

Repeal

SEC 18. Section 12106 of said code is repealed.

SEC. 19. Section 12106 is added to said code, to read:

Form

12106. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered and shall contain information regarding local and state requirements with respect to the transportation of explosives.

SEC. 20. Section 12107 of said code is renumbered to read:

Penalty

12116. Every person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000), or by imprisonment for not less than six months, or by both.

SEC. 21. Section 12107 is added to said code, to read:

Types

12107. Permits shall be of two types. Type A, which shall be issued to persons engaged in an established construction, agricultural, timber, mining, or other commercial operation, shall be valid until suspended or revoked. A type B permit shall expire 24 hours from the time of issuance.

SEC. 22. Section 12108 of said code is renumbered to read:

Fines

12117. In addition to the criminal punishment, a person who violates any provision of this chapter shall forfeit the sum of two hundred fifty dollars ($250) for each violation. The forfeiture may be sued for by any person in a court of competent jurisdiction.

SEC. 23 Section 12108 is added to said code, to read:

Suspension

12108. A type A permit may be suspended and, after reasonable notice and hearing, revoked by any chief having the responsibility for the prevention and suppression of fire in an area through which explosives are transported or in which explosives are used, or proposed to be used, by the person to whom the permit was issued, in a manner which is unlawful or which creates an unreasonable hazard to life and property.

SEC. 24. Section 12109 of said code is renumbered to read:

Forfeiture

12118. A person who has instituted an action for a forfeiture pursuant to this chapter shall not dismiss it without the consent of the court in which it is pending. A judgment for such person shall not be settled, satisfied, or discharged except by an order of, and after deposit of the full amount of the judgment in, the court. All money deposited in the court shall be paid to the person who instituted the action.

SEC. 25. Section 12109 is added to said code, to read:

Record of sales, etc

12109. Every person who sells, gives away, delivers, or otherwise disposes of explosives to any person shall make a quintuplicate record of each such sale or transaction. A copy shall be immediately sent to the chief who issued the permit to receive explosives and to the chief having the responsibility for the prevention and suppression of fires in the area in which the explosives are to be used. Two copies shall be delivered to the person receiving the explosives, one to be retained by him and the other to be sent to the chief who issued the permit to receive explosives upon the disposition of the explosives. The original shall be retained by the person disposing of the explosives.

SEC. 25.5. Section 12111.5 is added to said code, to read:

Suspension, etc., of requirements

12111.5. The State Fire Marshal may suspend, or waive compliance with, the whole or any part of the requirements of Sections 12101, 12109, 12110, and 12111 insofar as they apply to the sale, gift, delivery, or other disposition of explosives in sparsely populated, unincorporated areas if he determines that such action may be taken without jeopardizing public safety. No person shall be charged with any crime for any transaction in violation of Sections 12101, 12109, 12110 or 12111 when such a suspension or waiver by the State Fire Marshal is in effect in the area in which the transaction occurs.

SEC. 26. Section 12113 is added to said code, to read:

Signs

12113. A person who sells, delivers, or otherwise disposes of explosives shall, at the time of the sale or transaction furnish to the person receiving the explosives two signs upon each of which there is legibly printed the word "EXPLOSIVES" in letters not less than four inches in height upon a contrasting background. The back of the signs shall be gummed and one shall be attached to the front and one to the rear of the vehicle in which the person receiving the explosives transports them.

SEC. 27. Section 12114 is added to said code, to read:

Operation upon public highway

12114. (a) It is unlawful for any person to transport explosives in any vehicle upon a public highway, or to park any vehicle loaded with explosives upon a public highway, unless there is a sign of the type prescribed in Section 12113 attached to the front and rear of the vehicle.

(b) It is unlawful for any person to operate or to park any vehicle upon a public highway to which there are attached signs of the type prescribed in Section 12113, unless the vehicle is loaded with explosives.

SEC. 28. Section 12115 is added to said code, to read:

Use: Type B permit

12115. A person who receives explosives under a Type B permit and intends to use the explosives in an area other than that in which the explosives are purchased may do so; provided, that the explosives are used during the daylight hours of purchase. If the area of use is not that of purchase and the explosives are not used within the daylight hours of the same

day, the chief having the responsibility for the prevention and suppression of fire in the area in which they are to be used shall be notified as to their location and manner of storage.

SEC. 29. Section 12300 of said code is amended to read:

Transportation by common carrier

12300. It is unlawful to transport any explosives between places in this State on any vessel, car, or other vehicle carrying passengers for hire and operated by a common carrier, unless the explosives are:

(a) Small arms ammunition.

(b) Fuses, torpedoes, rockets, or other signal devices essential for the promotion of safety in operation.

(c) Properly packed and marked samples for laboratory examination, each not exceeding one-half pound in net weight, when not more than 20 are carried in a single vessel, car, or vehicle, and when they are not carried in that part of the vessel, car, or vehicle which is intended for the carriage of passengers for hire.

(d) Munitions of war in the possession of military or naval forces who are being carried on the vessel, car, or vehicle.

(e) Explosives transported upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

This section does not prohibit the transportation of explosives on a freight train that carries passengers for hire in a car or caboose attached to its rear.

SEC. 30. Section 12351 of said code is amended to read:

"Lawful possession"

12351. "Lawful possession of an explosive," as used in this chapter, means the possession of an explosive in any of the following:

(a) In the course of the business of manufacturing, selling, or transporting explosives.

(b) In the course of legitimate blasting operations.

(c) In the arts.

(d) In the transportation of explosives upon the highways in accordance with the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

Repeal

SEC. 31. Section 12351.5 of said code is repealed.

SEC. 32. Section 12400 of said code is amended to read:

Unauthorized entry

12400. With the exception of a chief, the owner, a person authorized to enter by the owner, or the owner's agent, every person who enters any explosive manufacturing plant, magazine, or car containing explosives is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than three months, or by both.

CHAPTER 1225

An act to amend Section 987.12 of the Military and Veterans Code, relating to the withdrawal of funds from the General Fund and appropriation of moneys therefrom.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 987.12 of the Military and Veterans Code is amended to read:

987.12. For the purposes of carrying out the Veterans' Farm and Home Purchase Act of 1943 the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article, and the amount necessary to carry out this section is hereby appropriated without regard to fiscal years. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943 Any moneys made available under this section to the department shall be returned to the General Fund in such amounts as may be received by the department from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

CHAPTER 1226

An act to amend Section 21331 of the Government Code, relating to optional settlements under State Employees' Retirement Law.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 21331 of the Government Code is amended to read:

21331. Such election, revocation, or change of election shall be made prior to the making of the first payment on account of any retirement allowance 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" 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.

CHAPTER 1227

An act to add Section 20897 to the Government Code, relating to retirement credit for war relocation absences of state employees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20897 is added to the Government Code, to read:

20897. (a) Any state member of this system who was absent from state service on war relocation leave may elect by written election filed with the board at any time prior to January 1, 1959, to make contributions pursuant to this section for, and to receive credit in this system as state service for, all or any part of the time he was on war relocation leave. Retirement War relocation absences

(b) As used in this part, "war relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March, 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and returned to state service within six months of the time he was permitted to return to his former home, or within six months of the time he was discharged, under conditions other than dishonorable, from military service which commenced after his evacuation or relocation. The war relocation leave of a member shall include the period of time from the separation of the member from state service until his return to state service within the six-month period provided herein.

(c) Any state member who elects to make contributions and receive credit as state service for all or any part of the time he was on war relocation leave shall contribute to the Retirement Fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for war relocation leave as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the Retirement Fund if he had been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, computed by applying the rate of contribution applicable to him upon commencement of his period of war relocation leave to the monthly compensation earnable by him at the time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, (2) the contributions that

would have been made by the State in respect to him if he had been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of state contribution with respect to members of his category at the time of commencement of his period of war relocation leave to the monthly compensation earnable by him at said time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, and (3) the interest which would have accrued to such member contributions and such state contributions if they had been made on the date of commencement of the member's period of war relocation leave from that date until the completion of payment of those contributions, computed at the current interest rate.

At the time of his retirement a member shall not receive credit as state service for any war relocation leave in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member.

CHAPTER 1228

An act to amend Section 20135 of the Government Code, relating to deductions from allowances and benefits under the State Employees' Retirement System.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20135 of the Government Code is amended to read:

20135. Retired members of the system, and beneficiaries who are entitled to receive allowances or benefits under the provisions of this part, may authorize deductions to be made from their retirement allowance payments or from the allowances and benefits, respectively, or from either or both where both are being received, 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 1229

An act to amend Section 533 of the Vehicle Code, relating to school busses.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 533 of the Vehicle Code is amended to read:

533. Meeting or Passing School Bus. (a) The driver of any vehicle upon a highway, street, or road, upon meeting or overtaking from either direction any school bus equipped with signs as herein required which has stopped on a highway, street, or road for the purpose of receiving or discharging any school children when such school bus displays a flashing red light signal visible from front and rear shall bring such vehicle to a stop immediately before passing said school bus and shall not proceed past such school bus until said red flashing signal ceases operation. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is upon the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus when the latter is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal.

School busses

(b) Every school bus when operated for the transportation of school pupils shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Upon every such sign the letters shall be of proportionate width. No vehicle, other than a school bus, shall display such a sign.

(c) Every school bus when operated for the transportation of school children shall be equipped with a flashing red light signal system of a type to be approved by the Department of California Highway Patrol and mounted as prescribed by the Department of the California Highway Patrol. The driver of a school bus shall operate this signal at all times when children are unloading from a school bus to cross a street, highway, or road or when a school bus is stopped for the purpose of loading children who must cross a highway, street, or road to board said bus, except that such signal shall not be operated at an intersection or place where traffic is controlled by a traffic officer or official traffic signal. Such signal shall not be operated at any other time.

CHAPTER 1230

An act to amend Section 334.1 and to repeal Section 444.1 of the Vehicle Code, relating to parking facilities.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 334.1 of the Vehicle Code is amended to read:

License

334.1. License Required to Operate Motor Vehicles in Parking Facility. (a) No person shall operate a motor vehicle within an off-street parking facility unless he is licensed as an operator or chauffeur under the provisions of this code.

(b) No operator of an off-street parking facility shall hire or retain in his employment an attendant whose duties involve the operating of motor vehicles unless such attendant, at all times during such employment, is licensed as an operator or chauffeur under the provisions of this code.

Repeal

SEC. 2. Section 444.1 of said code is repealed.

CHAPTER 1231

An act to amend Section 3704 of the Elections Code, relating to ballot paper.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 3704 of the Elections Code is amended to read:

3704. The revolving fund for the purchase of ballot paper, in the amount of ninety thousand dollars ($90,000) created by Chapter 545, Statutes 1913 as amended, is continued in existence. The fund shall be used for the purchase of ballot paper as provided in this chapter, and shall be reimbursed by the receipts from the county or municipality obtaining this paper in accordance with this chapter. The fund shall at all times be intact and represented either by cash in the State Treasury, ballot paper in the custody of the Secretary of State, or accounts receivable represented by ballot paper sales.

CHAPTER 1232

An act to amend Section 28 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), relating to water conservation.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes 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 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 mills ($0.0025) on each one hundred cents ($1) 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 mills ($0.0025) on each one hundred cents ($1) 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 mill ($0 001) on each one hundred cents ($1) 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 no district shall levy more than one such special one mill ($0.001) 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.

CHAPTER 1233

An act to amend Section 15010.5 of the Corporations Code, relating to filing statement of partnership.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 15010.5 of the Corporations Code is amended to read:

15010.5. (1) A statement of partnership, in the name of the partnership, signed, acknowledged and verified by two or more of the partners, or such a statement signed by two or more of the partners as individuals, acknowledged and verified by each signing partner, may be recorded in the office of the county recorder of any county. The statement shall set forth the name of the partnership and the name of each of the partners, and shall state that the partners named are all of the partners.

When any such statement has been recorded, it shall be conclusively presumed, in favor of any bona fide purchaser for value of the partnership real property located in the county, that the persons named as partners therein are members of the partnership named and that they are all of the members of the partnership, unless there is recorded by anyone claiming to be a partner a statement of partnership, verified and acknowledged by the person executing it, which shall set forth the name of the partnership, a statement that such person claims to be a member of such partnership or a statement that any of the persons named in a previously recorded statement of partnership are not members of such partnership.

(2) As used in this section and in Section 15010, "conveyance" includes every instrument in writing by which any estate or interest in real estate is created, aliened, mortgaged, or encumbered, or by which the title to any real property may be affected, except wills; "convey" includes the execution of any such instrument; and "purchaser" includes any person acquiring an interest under any such instrument.

CHAPTER 1234

An act to create the Placer County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the district, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for

the issuing of bonds payable solely from revenues of the district, providing for the levy and collection of taxes for the payment of general district expenses and for cooperation and contracts with any entity.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. A district is hereby created to be called the Placer County Water Agency. Said district shall consist of all the territory lying within the exterior boundaries of the County of Placer.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Placer County Water Agency.

(b) "County" is the County of Placer of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water, power generation and transmission facilities, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the

cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. The Placer County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and alter it as its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 3.4. The agency shall have the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. The agency in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal and/or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which require removal only, or removal and reinstallation in a new location; and provided further, that notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any

property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 4.1. The agency shall have the power to develop hydroelectric or other power to the extent that such power can be developed incidental to the construction and operation of its projects, and such power may be marketed only at the bus bar and at wholesale rates to any public or private agency, or both, engaged in the sale of electric power at retail.

SEC. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 4.3. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend

or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants; to prevent unlawful exportation of water from said agency; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 4.6. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former

state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right of way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 4.8. There is hereby granted to the agency the right of way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

SEC. 4.9 (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.

SEC. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

SEC. 4.11. Incidental to the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for power purposes with any public or private entity engaged in the retail distribution of electric energy.

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in or outside the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale. Each contract for or sale of surplus water or the use of such water facilities shall expressly state that the sale or disposition is subject to the prior right to the use of such water or facilities by or for member units.

SEC. 5.1. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

(c) The sale, lease, or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not

constitute a delivery of water, and any amount of water assigned under Section 5.6 by one member unit to another member unit shall be delivered to the latter.

SEC. 5.3. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each 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 amount 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.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit. Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency 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 member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid

the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts to be paid by all member units for water there shall be deducted from the cost of construction and operation or project works all revenues to be obtained from the sale of electric energy, if any, developed and sold by means of the project works.

SEC. 5.6. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment, the total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 5.7. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency 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 disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 6. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and 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 and 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 agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 6.1. All money collected in pursuance of contract with the United States shall be paid into the county treasury

to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract.

SEC. 6.2. The agency may cooperate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person; in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Cooperate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

SEC. 7. The board of supervisors of the county shall be ex officio the board of directors of the agency. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths, when necessary in the performance of his official duties A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 7.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Placer for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 7.2. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 7.3. Nothing contained in Section 7.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6, commencing at Section 1950, of Division 4 of Title 1 of the Government Code.

SEC. 7.4. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 8. All officers of the county, and their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 8.1. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judg-

ment may be deemed necessary, prescribe their duties and fix their compensation, such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 9. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful

performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section 4200, of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may have the work done by force account without advertising for bids. The district may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

SEC. 13.1. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (a) the amount of all capital obligations underwritten by member units of the agency, plus (b) the amounts agreed to be paid by member units to the agency or to the United States for water or a water supply.

SEC. 14. The agency may levy taxes for the purpose of paying any obligation of the agency and to accomplish the purposes of this act.

SEC. 14.1. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the bonded indebtedness of the agency and the interest thereon authorized by a vote of the electors of the agency, and exclusive of any special assessment levied to meet any indebtedness or contractual liability authorized by a vote of the electors of the

agency, and exclusive of any tax levied for the payment of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units.

Such taxes shall be levied and collected with taxes for county purposes, and the revenue derived therefrom shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said purposes.

SEC 14.2. The agency may 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 agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent. The tax shall be levied and collected at the same time and in the same manner as general agency taxes, shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

SEC. 14 3. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any member unit, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit for such work or improvement, and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of the county within five (5) days after its issuance.

(b) After filing such resolution, the board shall call a special bond election in each said member unit to submit to the qualified electors of each member unit the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit, the proposition of incurring a bonded debt in

the member unit or member units in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the recorded copy of the resolution. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the State except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the county courthouse for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in each member unit affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in each affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 15.1. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the

member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, on a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth (1/40) of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said agency and the seal of said agency shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 15.2. The board may issue and sell the bonds of such member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of said agency and the respective member units thereof, for the uses and purposes of the member unit or member units voting said bonds; and in the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election. Payments from said member unit funds shall be made upon demands

prepared, presented, allowed and audited in the same manner as demands upon any of the funds of the county.

SEC. 15.3. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 15.4. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 15.4. The board shall levy a tax or assessment each year in the member unit or member units 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 member units of issuance with taxes for county purposes, and when collected shall be paid into the county treasury of the county to the credit of the member unit 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 in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 16. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the board may incur such indebtedness upon approval by the California Districts Securities Commission and in the manner, for the purposes, and to the extent authorized and provided in Articles 15, 15.1, 15.2, 15.3, and 15.4 hereof for the issuance of general obligation bonds except that such revenue bonds may be issued when a majority vote of the qualified electors voting on the proposition at an election, favor the issuance of the bonds.

SEC. 17. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized by any member unit or member units of the agency and the proceeds of the sale

thereof have been expended as authorized in this act, and the board shall by resolution determine that additional bonds should be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters of said member unit or member units the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds for any member unit or member units submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election in such member unit or member units for incurring indebtedness and issuing bonds under this act for the same purpose.

The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 18. The agency may issue revenue bonds in its name and as its obligation, but neither principal nor the interest of any bond issued or sold pursuant to Section 16 shall become a lien, charge, or liability against any property in the agency, the State of California, or against the agency or any property or funds thereof or therein, except to the extent of the pledge of revenues or part of revenues of the works, as may be provided by the indenture pursuant to which revenue bonds are issued, and each such bond issued by the district shall contain a recital on the face thereof substantially as follows:

"This bond is not a lien, charge or liability, as to either principal or interest against any property in the Placer County Water Agency, the State of California, or against the Placer County Water Agency or any property or funds thereof, except to the extent of the pledge of revenues or part of revenues as provided by the indenture pursuant to which it is issued."

SEC. 19. The agency shall determine the time, form and manner of issuance of revenue bonds.

SEC. 19.1. The agency may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer and interchange of any revenue bonds and coupons issued pursuant to this act, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date

on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC. 19.2. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the agency as the agency deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 19.3. An indenture shall provide the means by which payments of principal and interest of bonds shall be secured.

SEC. 19.4. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

SEC. 19.5. An indenture may include a clause relating to the bonds issued thereunder, requiring the agency to operate the conservation works continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

SEC. 19.6. An indenture may include a cause relating to the bonds issued thereunder requiring the agency to make all necessary repairs, renewals and replacements to any conservation works, and to keep the project at all times in good repair, working order and condition.

SEC. 19.7. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC 19.8. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 19.9. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the agency to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or otherwise owned or operated by the agency or to enter into any lease or agreement which impairs or impedes the operation of conservation works, or any part thereof, necessary to secure adequate

revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 19.10. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the conservation works acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charges in connection with such project.

SEC. 19.11. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or part of revenues or cause them to be applied only as provided in the indenture.

An indenture may include a clause defining the power of the agency in applying the proceeds of the sale of any issue of bonds for the acquiring, construction, or completing of any conservation works or any part thereof.

SEC. 19 13. An indenture may include a clause subjecting the power of the agency to issue additional bonds to such conditions as the agency deems necessary.

SEC. 19.14. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the agency on any works, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

SEC. 19.15. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the agency then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 19.16. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the agency of any of the covenants, conditions, or obligations contained in any indenture.

SEC. 19.17. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the agency and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause

shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the agency may agree that bonds held by the agency or by the State of California or any political subdivision thereof shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 19.18. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

SEC. 19.19. The agency may designate a bank or trust company qualified to do business in this State, as a trustee for the agency and the holders of bonds issued under this act, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 19.20. The agency may fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues deposited with it by or by authority of the agency. The agency shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC. 19.21. The agency may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the agency, at or prior to the issue thereof.

SEC. 20. Bonds may be issued as coupon bonds or as registered bonds. The agency 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 district may determine.

SEC. 20.1. Bonds may be callable upon such terms, conditions, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No

bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

SEC. 20 2. The agency may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

SEC. 20.3. Bonds shall bear dates prescribed by the agency. Bonds may be serial bonds or sinking fund bonds with such maturities as the agency may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 20.4. Bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

SEC. 20.5. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 20.6. The agency may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a conservation works upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such conservation works as may be provided for in the indenture.

SEC. 20.7. Pending the actual issuance or delivery of revenue bonds, the agency may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

SEC. 20.8. The agency may provide for the replacement of lost, destroyed or mutiliated bonds, or coupons.

SEC. 21. Bonds issued pursuant to the provisions of this act and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

SEC. 21.1. Bonds issued and sold pursuant to the provisions of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be de-

posited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited.

SEC. 22. The agency may provide for the issuance, sale, or exchange of refunding revenue bonds for the purpose of redeeming or retiring any revenue bonds issued by the agency. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding revenue bonds or refunding revenue bonds and to the issuance, sale or exchange thereof.

SEC. 23. Funding or refunding revenue bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding revenue bonds. These expenses include the difference in amount between the par value of the funding or refunding revenue bonds and any amount less than par for which the funding or refunding revenue bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding revenue bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 24. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 25. Before issuing any revenue bond or bonds pursuant to the provisions of this act, the board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of the bondholders, pursuant to amendment or modification of an indenture, as provided in Section 19.17 of this act. Nothing in this section shall prevent the board from amending such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold.

SEC. 26. The agency may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon. The agency may provide an indenture for the carrying of public liability or property damage insurance or insurance against loss by fire or other hazards or any other

insurance in amount or in such character as it shall determine, and for the payment of the premiums thereon.

SEC. 27. The agency may provide in an indenture that the proceeds from the sale of all revenue bonds authorized under this act shall be paid direct to the county treasurer designated by the agency as the fiscal agent or depositary of the district, to be held in a separate account to be designated the "construction fund" and to be disbursed in the manner and upon the conditions provided in the indenture for the acquisition, construction and completion of the project, including the payment of the cost of all surveys, preparation of plans and specifications, and the payment of all architectural, engineering, legal and administrative costs, and in addition for the payment of all costs and expenses of and incident to the formation of the district and the issuance and sale of bonds and the payment of interest due or to become due on the bonds during the period of actual construction, and for such further period as may be specified in the indenture for the issuance of the bonds not exceeding two (2) years after the period of construction.

SEC. 28. Moneys in any construction fund may be invested as the agency in its sole discretion shall determine, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds.

SEC. 29. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the agency, and be used by the agency for any lawful purpose.

SEC. 30. The agency at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Placer to determine the validity of the bonds or of the levy or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the levy of any assessment or authorization of any bonds or execution of such contract

bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 32. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Placer County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 33. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

SEC. 34. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Placer, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a de-

fendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 35. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4, commencing at Section 58950, of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 36. The Legislature hereby finds that water problems in the county require county-wide water conservation, flood control and development of water resources; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 37. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 38. This act may be designated and referred to as "the Placer County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 1235

An act to add Section 68546 to the Government Code, relating to judges, officers and attaches of municipal courts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 68546 is added to the Government Code, to read:

68546. If the chairman of the Judicial Council assigns a judge of a municipal court in a county to sit on the superior court of the same county, the presiding judge of the municipal court may also assign the court reporter of the municipal court from which such judge is assigned to act as court reporter of the superior court during the period for which the judge is assigned.

CHAPTER 1236

An act to repeal Section 11906 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 11906 of the Public Utilities Code is hereby repealed.

CHAPTER 1237

An act to amend Section 224n of the Civil Code, relating to adoption proceedings.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 224n of the Civil Code is amended to read:

224n. The agency to which a child has been relinquished for adoption shall be responsible for the care of the child, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted. Any placement for temporary care, or for adoption made by the agency, may be terminated at the discretion of the agency at any time prior to the granting of a petition for adoption. In the event of termination of any placement for temporary

care or for adoption, the child shall be returned promptly to the physical custody of the agency.

No petition may be filed to adopt a child relinquished to a licensed adoption agency except by the prospective adoptive parents with whom the child has been placed for adoption by the adoption agency. After the petition for adoption has been filed, the agency may remove the child from the prospective adoptive parents only with the approval of the court, upon motion by the agency after notice to the prospective adoptive parents, supported by an affidavit or affidavits stating the grounds on which removal is sought. If an agency refuses to consent to the adoption of a child by the person or persons with whom the agency placed the child for adoption, the superior court may nevertheless decree the adoption if it finds that the refusal to consent is not in the best interest of the child.

CHAPTER 1238

An act to amend Section 19611.3 of the Education Code, relating to the retirement of school district employees in child care centers.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 19611.3 of the Education Code is amended 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 and each person employed by a school district on the effective date of the amendment of this section at the 1957 Regular Session of the Legislature who was theretofore excluded, solely by reason of the provisions of Section 19611 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of this section prior to the amendment thereof at the 1957 Regular Session of the Legislature, 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 or on the effective date of the amendment of this section at the 1957 Regular Session of the Legislature if theretofore excluded solely by reason of the provisions of this section in effect prior to that date. Every such member shall be entitled to credit

for service in child care centers rendered prior to July 1, 1955, or prior to the effective date of the amendment of this section if therefore excluded, 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 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 and for the purpose of computing benefits for service rendered between July 1, 1955, and the effective date of the amendment of this section at the 1957 Regular Session of the Legislature for members receiving credit for service between those dates under the provisions of this section as amended, the average monthly salary earned by such employees in the Fiscal Year 1956-57 shall be used.

Notwithstanding any provision of law to the contrary, any person covered by the provisions of this section shall be given the option as to whether or not he shall be a contract member of the State Employees' Retirement System.

CHAPTER 1239

An act to amend Sections 5171 and 5174 of the Streets and Highways Code, relating to works affecting domestic water supplies provided under the Improvement Act of 1911.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5171 of the Streets and Highways Code is amended to read:

Resolution re plans and specifications

5171. Before requiring the plans, specifications and estimates provided for in Section 5130 the legislative body shall pass a resolution requesting the public agency having charge of the supplying and distribution of the domestic water supply in the district about to be improved to furnish to the legislative body plans and specifications for adequate and appropriate conduits, pipes, hydrants and other appurtenances necessary for that purpose. It shall be the duty of such public agency to furnish the plans and specifications so required, and the plans and specifications shall be submitted to the legislative body for its approval. The cost of the preparation of such plans and specifications shall form a part of the incidental expenses of the work.

Disposition of completed work

SEC. 2. Section 5174 of said code is amended to read:

5174. After the work has been completed and accepted, title to the pipes, conduits, and other appliances for supplying or distributing water so installed shall vest in such public agency and constitute a part of its system supplying the water, and shall at all times thereafter be used, operated, maintained, and managed by it as a part of such system.

CHAPTER 1240

An act to add Section 120.5 to the Elections Code, relating to the registration of voters.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 120.5 is added to the Elections Code, to read:

120.5. It is the intent of the Legislature that county clerks and registrars of voters, in connection with the registration of voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

CHAPTER 1241

An act to add Section 4904.1 to the Labor Code, relating to workmen's compensation and insurance.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4904.1 is added to the Labor Code, to read:

4904.1. The payment of liens as provided in Section 4904, shall in no way affect the commencement of immediate payments on any balance of the award to the injured claimant where an installment payment for his disability has been determined.

CHAPTER 1242

An act to amend Section 868 of the Penal Code, relating to the exclusion of persons during the examination of a case before a magistrate.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 868 of the Penal Code is amended to read:

868. The magistrate must also, upon the request of the defendant, exclude from the examination every person except his clerk, court reporter and bailiff, the prosecutor and his counsel, the Attorney General, the district attorney of the county, the defendant and his counsel, and the officer having the defendant in custody; provided, however, that when the prosecuting witness is a female she shall be entitled at all times to the attendance of a person of her own sex.

CHAPTER 1243

An act to amend Section 5073 of the Education Code, relating to state school building aid.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5073 of the Education Code is amended to read:

5073. Whenever a school district receives an apportionment under this chapter for the purchase or improvement of a school building site and within a period of five years after the date on which the warrant covering the appropriate portion or portions of the apportionment was drawn on the State Treasurer from the Public School Building Loan Fund, (1) sells or otherwise disposes of such site or the improvements thereon, or any portion thereof, purchased or improved in whole or in part from such apportionment, or (2) within not less than one year nor more than five years, as the board shall determine, 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 make such determinations and take such action with respect thereto as it may deem necessary. If the board determines that the district has (1) sold or otherwise disposed of the site or the improvements thereon, or any portion thereof, or (2) has not used the site for the purpose for which the apportionment was made, it shall

demand the return of the apportionment or such portion thereof as it deems proper.

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 Public School Building Loan Fund.

It shall be the duty of such governing board 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.

CHAPTER 1244

An act to amend Section 7747 of the Education Code, relating to state school building aid.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7747 of the Education Code is amended to read:

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 five 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 (1) 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 (2) within not less than one year nor more than five 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 make such determinations and take such action with respect thereto as it

may deem necessary. If the board determines that the district has (1) sold or otherwise disposed of the site or the improvements thereon, or any portion thereof, or (2) has not used the site for the purpose for which the apportionment was made, it shall demand the return of the apportionment or such portion thereof as it deems proper, less any repayment made prior to such demand by the district on account of 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.

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.

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 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.

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.

CHAPTER 1245

An act to amend Sections 12321, 12323, and 12414 of, and to repeal Section 12322 of, the Government Code, relating to state funds.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12321 of the Government Code is amended to read:

Certification of receipts

12321. The Treasurer shall not receive money into the Treasury unless it is certified by the Controller as provided for in Section 12414.

Repeal

SEC. 2. Section 12322 of said code is repealed.

SEC. 3. Section 12323 of said code is amended to read:

Memorandum receipt

12323. The Treasurer shall endorse a memorandum receipt upon documents accompanying money transmitted for deposit into the Treasury.

SEC. 4. Section 12414 of said code is amended to read:

Settlement of accounts

12414. The Controller shall examine and settle the accounts of all persons indebted to the State and certify the amount. Such certificates shall show who is to make the payment, the amount, and the fund to be credited, and shall be numbered in consecutive order, beginning with number one at the commencement of each fiscal year.

Upon settlement of such accounts, the Controller shall give such person a discharge and charge the Treasurer therewith.

CHAPTER 1246

An act to amend Section 2657 of the Labor Code, relating to industrial homework.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2657 of the Labor Code is amended to read:

2657. If the division finds that as a result of a prohibitory order undue hardship will ensue to homeworkers in the industry who because of advanced age or other disability are unable to adjust to factory employment, the order, if the division determines that it is not inconsistent with the purposes of this part, may permit limited distribution of industrial homework, under such terms and conditions as the division may prescribe, to any person engaged in the industry as a homeworker on or prior to the effective date of such order (1) who

because of old age or physical or mental disability or injury is unable to adjust himself to factory employment; or (2) who is unable to leave home because his services are essential to care for an invalid in the home.

The requirement that a person under this section must have been employed as a homeworker on or prior to the effective date of a prohibitory order may be waived by the division under the following conditions:

(1) Adequate, current medical information has been submitted to the division establishing that the person is under a disability which is of long continued and indefinite duration and which is not communicable.

(2) Such disability clearly prevents the person from leaving his home to enter normal employment.

(3) The division finds that it is socially and economically desirable for such person to accept employment in his home.

(4) The division has issued a certification to the effect that the intent and requirements of this act and other acts concerning health and welfare are carried out. This certification shall be based on a recommendation submitted by the State Bureau of Vocational Rehabilitation or such other agency as the division may designate. This certification shall be valid for a period of one year and may be renewed by the division upon recommendation of the agency designated.

CHAPTER 1247

An act to add Section 19253.5 to the Government Code, relating to demotion or transfer of state employee unable to perform the duties of his position.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19253.5 is added to the Government Code, to read:

19253.5. In accordance with board rule, the appointing power may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the work of his position. The board rules shall make provision whereby the employee can designate a physician to consult with the appointing power and with the physician selected by the appointing power concerning the need for and advisability of a medical examination before it is made. The rules also shall provide for the designation by the appointing power of one or more physicians to conduct the examination when it is required. When requested by the employee, the appointing power shall provide a list of three physicians from which the employee may select the physician to be designated by the appointing power to do the examination. Fees for the examina-

tion shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

The employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred; provided, that such salary is not greater than the salary he received at the time of his demotion or transfer.

On the request of an appointing power, the board may approve the return, to a class in which he formerly served, of an employee who has been demoted or transferred in accordance with the provision of this section if there is satisfactory evidence of his fitness to perform the duties of his former class.

The employee may appeal the action of the appointing power to the board within 15 days after the effective date of a demotion or transfer made in accordance with this section. The board. in accordance with its rules, shall hold a hearing. The board may disapprove the demotion or transfer or may order that demotion or transfer of the employee be to another position. Whenever the board revokes or modifies the demotion or transfer, the board shall direct the payment of salary to the employee at the rate of pay he should have received for such time as the board finds the demotion or transfer was improperly in effect.

CHAPTER 1248

An act to amend Section 24200.5 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 24200.5 of the Business and Professions Code is amended to read:

24200.5. Notwithstanding the provisions of Section 24200, the department shall revoke a license upon any of the following grounds:

(a) If a retail licensee has knowingly permitted the illegal sale, or negotiations for such sales, of narcotics upon his licensed premises. Successive sales, or negotiations for such sales, over any continuous period of time shall be deemed evidence of such permission.

(b) If the licensee has employed or permitted any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage, salary, or other profit-sharing plan, scheme, or conspiracy.

CHAPTER 1249

An act to amend Section 6077 of the Business and Professions Code, relating to discipline of members of the State Bar of California.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6077 of the Business and Professions Code is amended to read:

6077. The rules of professional conduct adopted by the board, when approved by the Supreme Court, are binding upon all members of the State Bar.

For a wilful breach of any of these rules, the board has power to discipline members of the State Bar by reproval, public or private, or to recommend to the Supreme Court the suspension from practice for a period not exceeding three years of members of the State Bar.

CHAPTER 1250

An act to amend Sections 24203 and 24042 of the Business and Professions Code, relating to licensees under the Alcoholic Beverage Control Act.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24203 of the Business and Professions Code is amended to read:

24203. Accusations against any on-sale or off-sale licensee may be filed with the department by the legislative body, or chief of police, of any city in which the premises in question are located, or if the premises are in unincorporated territory, then by the board of supervisors, or the sheriff, of the county, requesting the suspension or revocation of any retail license. Upon the filing of the accusation, the department shall provide for a public hearing thereon within the county in which the premises are located and determine whether or not the license should be revoked or suspended. Whenever the local legislative body, the chief of police, or the sheriff, certifies that the public safety, health, or welfare requires an immediate Accusation

hearing of the accusation, the public hearing shall be held within twenty (20) days after the filing of the accusation with the department.

Duplicate licenses

SEC. 2. 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 to members of the public for consumption within the licensed premises shall obtain from the department, and the department shall upon request issue, a 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.

CHAPTER 1251

An act to amend Sections 1859 and 1860 of the Civil Code, relating to innkeepers.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1859 of the Civil Code is amended to read:

1859. The liability of an innkeeper, hotel keeper, operator of a licensed hospital, rest home or sanitarium, furnished apartment house keeper, furnished bungalow court keeper, boarding house or lodging house keeper, for losses of or injuries to personal property, is that of a depositary for hire; provided, however, that in no case shall such liability exceed the sum of one hundred dollars ($100) for each trunk and its contents, fifty dollars ($50) for each valise or traveling bag and contents, ten dollars ($10) for each box, bundle or package and contents, and two hundred fifty dollars ($250) for all other personal property of any kind, unless he shall have consented in writing with the owner thereof to assume a greater liability. Liability Limitation

SEC. 2. Section 1860 of said code is amended to read:

1860. If an innkeeper, hotel keeper, operator of a licensed hospital, rest home or sanitarium, boarding house or lodging house keeper, keeps a fireproof safe and gives notice to a guest, patient, boarder or lodger, either personally or by putting up a printed notice in a prominent place in the office or the room occupied by the guest, patient, boarder, or lodger, that he keeps such a safe and will not be liable for money, jewelry, documents, furs, fur coats and fur garments, or other articles of unusual value and small compass, unless placed therein, he is not liable, except so far as his own acts shall contribute thereto, for any loss of or injury to such articles, if not deposited with him to be placed therein, nor in any case for more than the sum of two hundred fifty dollars ($250) for any or all such property of any individual guest, patient, boarder, or lodger, unless he shall have given a receipt in writing therefor to such guest, patient, boarder or lodger. Same Fireproof safe

---

CHAPTER 1252

An act to amend Section 479 of the Vehicle Code, relating to pedestrian crosswalks near schools.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 479 of the Vehicle Code is amended to read:

479. Pedestrian Crosswalks Near Schools. Whenever a marked pedestrian crosswalk has been established in a roadway contiguous to a school building or the grounds thereof, such crosswalk shall be painted or marked in yellow as shall be all the marked pedestrian crosswalks at an intersection in case any one of the crosswalks is required to be marked in yellow. Other established marked pedestrian crosswalks may be painted or marked in yellow; provided, the nearest point of the crosswalk is not more than 600 feet from a school building or the grounds

thereof. There shall be painted or marked in yellow on each side of the street in the lane or lanes leading to all yellow marked crosswalks the following words, "SLOW—SCHOOL —XING." A crosswalk shall not be painted or marked yellow at any location other than as required or permitted in this section.

CHAPTER 1253

An act to amend Sections 1643 and 1644 of the Welfare and Institutions Code, relating to the filing of claims by county agencies with respect to adoptions.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1643 of the Welfare and Institutions Code is amended to read:

Adoption agency expenses

1643. County claims for reimbursement for expenses incurred for the operation of a licensed county adoption agency shall be filed with the department at the time and in the manner specified by the department and the claims shall be subject to audit by the Department of Social Welfare. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying adjustment to the appropriation for the prior fiscal year.

The State Department of Social Welfare shall adopt such rules as may be necessary to determine the cost of administration and the cost of care of children relinquished for adoption and to provide for the presentation, allowance, and payment of such claims.

If any grants-in-aid are made by the Federal Government for the cost of administering an adoption program or for the cost of care of children relinquished for adoption, the amount of the federal grant shall first be applied to defer the cost of administration or of care and the remainder of the cost, if any, shall be borne by the State.

SEC. 2. Section 1644 of said code is amended to read:

Reimbursement of counties

1644. The State shall reimburse each county for the cost of care of any child placed under the custody of a county welfare department pursuant to Section 226c of the Civil Code. County claims for reimbursement of expenses incurred pursuant to Section 226c of the Civil Code shall be filed with the department at the time and in the manner specified by the department and the claims shall be subject to audit by the Department of Social Welfare. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying adjustment to the appropriation for the prior fiscal year.

CHAPTER 1254

An act to amend Section 10428 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10428 of the Streets and Highways Code is amended to read:

10428. From the date of the recordation with the city tax collector, county surveyor, or superintendent of streets, each special assessment levied under this division is a lien upon the land upon which it is levied. This lien is paramount to all other liens, except prior assessments and taxation, and, unless sooner discharged, such lien shall continue for a 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. All persons shall have constructive notice of this lien from the date of the recordation of the diagram and assessment as referred to in this chapter.

CHAPTER 1255

An act to amend Section 28117 of the Government Code, relating to public officers and employees.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28117 of the Government Code is amended to read:

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:

Compensation Seventeenth class county

(a) The auditor, nine thousand three hundred dollars ($9,300) a year.

(b) The district attorney, thirteen thousand five hundred dollars ($13,500) a year, and he shall not engage in private practice.

(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.

Application

SEC. 2. Neither the increases in salary authorized in Section 28117 for the auditor and district attorney, or the prohibition against the district attorney engaging in private practice shall become operative during the present terms of the incumbent auditor and district attorney.

CHAPTER 1256

An act to amend Section 4607 of the Corporations Code, relating to construction corporations.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 4607 of the Corporations Code is amended to read:

4607. If a corporation is in the process of voluntary winding up, the superior court of the county in which the principal office of the corporation is located, upon the petition of (a) the corporation, or (b) the holders of 5 percent or more of the number of its outstanding shares, or of (c) three or more creditors, or of (d) three or more persons who have purchased homes from a construction corporation, and upon such notice to the corporation and to other persons interested in the corporation as shareholders or creditors as the court may order, may make orders and adjudge as to any and all matters concerning the winding up of the affairs of the corporation.

If the corporation has, within 18 months prior to the commencement of the proceedings for winding up, been engaged in the business of constructing, or contracting or subcontracting for the construction of buildings for residential use, the

court shall, in making orders and adjudging as to matters concerning the winding up, make such provision as it deems reasonably necessary to protect the rights of the purchasers of the homes, including rights which may arise against the corporation for breach of warranties in connection with the construction. The protection so afforded shall extend to rights which may arise with respect to buildings whose construction was completed within 18 months prior to the commencement of the proceedings for winding up, and the orders and decrees extending the protection shall have a duration of at least 18 months after the filing of the petition but may be made effective for a longer period at the discretion of the court.

CHAPTER 1257

An act to amend Section 4280 of the Agricultural Code, relating to milk.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4280 of the Agricultural Code is amended to read:

4280. Each stabilization and marketing plan shall contain provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

Stabilization and marketing plan Provisions

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream or fluid skim milk business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream or fluid skim milk of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream or fluid skim milk as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers. Such contract shall include the following: (1) the amount of fluid milk to be purchased for any period; (2) the quantity of such milk to be paid for as Class 1. Such quantity shall be stated in pounds of milk or pounds of milk fat or gallons of milk; provided, that if the price to be paid for such Class 1 milk is established separately

for the milk fat and skim milk contained in such milk, such quantity to be paid for as Class 1 shall be stated in pounds of milk or pounds of milk fat or gallons of milk or both in pounds of milk fat and pounds of skim milk separately, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class; (3) the price to be paid for all milk received; (4) the date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the fifteenth day of said month; (5) the charges for transportation if hauled by the distributor; and (6) a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at or less than the minimum price for fluid milk that is used for Class 3, as said class is defined in Section 4228. The contract may contain such other provisions as are not in conflict with this chapter. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution. The provisions of this subdivision relating to dates of payment shall not apply to contracts for the purchase of fluid milk from nonprofit cooperative associations of producers. The provisions of this subdivision do not apply to the purchase of fluid milk which is necessary to meet an unanticipated increase in demand or an unanticipated shortage in the supply of a distributor; provided, that the quantity of fluid milk so purchased from any one producer or association of producers shall not exceed 1,000 gallons in any one month; and, provided further, that a complete record of all such purchases shall be kept by the distributor and the price paid for such milk by the distributor shall not be less than the price established in the applicable stabilization and marketing plan for the usage to which such milk is applied.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream or fluid skim milk which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment by a distributor to any producer, including any association of producers, or the receipt by a producer, including any association of producers, from a distributor, of a lesser price for any fluid milk or fluid cream or fluid skim milk which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less

than the minimum prices established by the director to be paid by distributors to producers for fluid milk, or the milk fat and skim milk contained therein, or fluid cream or fluid skim milk for said marketing area. The provisions of this section with respect to fluid milk shall apply whether or not such fluid milk is received by the distributor as whole milk, or as skim milk and fluid cream, or either, or as any other derivatives of such fluid milk which are reconstituted into such fluid milk, or fluid cream or fluid skim milk for market usage, and whether or not a fluid cream plan has been established for the marketing area.

CHAPTER 1258

An act to amend Section 30680 of the Streets and Highways Code, relating to a highway crossing between San Pedro and Terminal Island.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 30680 of the Streets and Highways Code is amended to read:

30680. As used in this article:

(a) "Toll tube" means a toll tube, bridge, or other highway crossing across Los Angeles Harbor between San Pedro and Terminal Island, to be known as the San Pedro-Terminal Island Crossing, and the approaches thereto.

(b) "City" means the City of Los Angeles.

(c) "Board" means the Board of Harbor Commissioners of the City of Los Angeles.

CHAPTER 1259

An act to amend Sections 69941 and 70044 of the Government Code, relating to official reporters and reporters pro tempore for superior court.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69941 of the Government Code is amended to read:

69941. The judge or judges of any superior court may appoint a competent phonographic reporter, or as many such reporters as there are judges, to be known as official reporter or reporters of such court, and such pro tempore official reporters as the convenience of the court may require. The re- Phonographic reporters Appointment

porters shall hold office during the pleasure of the appointing judge or judges.

SEC. 2. Section 70044 of the Government Code is amended to read:

Pro tempore reporters Appointment

70044. When needed in order that the judicial business of the superior court in the county may be diligently carried on and a particular matter 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 until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve. If such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

A pro tempore official reporter who has passed the test on qualifications and has a certificate thereof on file among the records of the court as prescribed by Section 69943, and who has been appointed a pro tempore official reporter by a majority of the judges of such court pursuant to Section 69941, may serve in any matter without further order of the court or stipulation of the parties.

CHAPTER 1260

An act to amend Section 26301 of the Government Code, relating to the issuance of revenue bonds for county improvements.

In effect September 11 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 26301 of the Government Code is amended to read:

Bonds Improvements

26301. Subject to the provisions of this chapter, boards of supervisors in their respective counties shall have authority to undertake and to issue revenue bonds to finance the following public improvements:

a. The acquisition, construction, maintenance, operation, improvement and development of public beaches and such upland areas adjacent thereto as may, in the opinion of the board, be reasonably necessary to provide for the full, complete and convenient public utilization of such beaches.

b. The acquisition, construction, maintenance, operation, improvement and development of public small boat harbors and such facilities and improvements in connection therewith as in the opinion of the board may be reasonably necessary

to provide for the full, complete and convenient public use of such small boat harbors.

c. The acquisition, construction, maintenance and operation of facilities for the public convenience in conjunction with any public beach or public small boat harbor.

d. The acquisition, construction, maintenance, operation, improvement and development of public golf courses and such facilities and improvements in connection therewith as in the opinion of the board may be reasonably necessary to provide for the full, complete and convenient public use of such golf courses. A county shall not condemn any existing privately owned and operated golf course the acquisition of which is to be financed under this chapter.

e. The acquisition, construction, maintenance, operation, improvement and development of skiing areas. The provisions of this section shall not be construed to authorize a board of supervisors to operate any restaurant, lodginghouse or hotel except during such periods as it is unable to lease such restaurant, lodginghouse or hotel to a private concessionaire. Public notice calling for bids by prospective lessees of such restaurant, lodginghouse or hotel shall be published once a week for four successive calendar weeks, in a newspaper of general circulation, and it shall be conclusively presumed that the board of supervisors is not unable to lease such restaurant, lodginghouse or hotel to a private concessionaire until one week following the last publication has elapsed without securing reasonable bids.

CHAPTER 1261

An act to amend Section 5054 of the Welfare and Institutions Code, and Section 27706 of the Government Code, relating to the duties of the public defender to represent mentally ill persons at hearings inquiring into their illness.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5054 of the Welfare and Institutions Code is hereby amended to read as follows:

5054. The alleged mentally ill person shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally ill person, the judge shall appoint an attorney to represent him and in a county where there is no public defender fix the compensation to be paid by the county for such services, or the judge may order the county public defender to represent him at the hearing if he determines the person is not financially able to employ counsel.

Mental illness hearing Counsel

SEC. 2. Section 27706 of the Government Code is hereby amended to read as follows:

Duties

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 of Part 1 of Division 6 and under Chapter 1 of Part 1 of Division 6 of the Welfare and Institutions Code.

CHAPTER 1262

An act to amend Section 1770 of the Code of Civil Procedure, relating to conciliation proceedings.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1770 of the Code of Civil Procedure is amended to read:

1770. During a period beginning upon the filing of the petition for conciliation and continuing until 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.

CHAPTER 1263

An act to amend Section 2009 of the Welfare and Institutions Code, relating to old age assistance.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

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 warrant drawn in payment of the aid given under the provisions of this chapter shall contain any reference to indigency or pauperism.

CHAPTER 1264

An act to amend Sections 74132, 74133, 74134, and 74135 of the Government Code, relating to employees of municipal courts in Riverside County.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 74132 of the Government Code is amended to read:

74132. There shall be one clerk who shall receive a minimum monthly salary of four hundred forty-four dollars ($444) with a semiannual increment of twenty-two dollars ($22), and thereafter annual increments of twenty-three dollars ($23), twenty-four dollars ($24), and twenty-six dollars ($26), to a maximum of five hundred thirty-nine dollars ($539). Clerk

SEC. 2. Section 74133 of said code is amended to read:

74133. The clerk may appoint: Deputy clerks

(a) One deputy clerk who shall receive a minimum monthly salary of three hundred eighty-four dollars ($384), with a semiannual increment of nineteen dollars ($19), and thereafter annual increments of twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred sixty-six dollars ($466).

(b) Two deputy clerks, each of whom shall receive a minimum monthly salary of three hundred thirty-two dollars ($332), with a semiannual increment of seventeen dollars ($17), and thereafter annual increments of seventeen dol-

lars ($17), eighteen dollars ($18), and nineteen dollars ($19), to a maximum of four hundred three dollars ($403).

(c) One deputy clerk who shall receive a minimum monthly salary of three hundred sixteen dollars ($316), with a semiannual increment of sixteen dollars ($16), and thereafter annual increments of seventeen dollars ($17), seventeen dollars ($17), and eighteen dollars ($18), to a maximum of three hundred eighty-four dollars ($384).

(d) One deputy clerk who shall receive a minimum monthly salary of two hundred eighty-seven dollars ($287), with a semiannual increment of fourteen dollars ($14), and thereafter annual increments of fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred forty-nine dollars ($349).

(e) One deputy clerk who shall receive a minimum monthly salary of two hundred sixty dollars ($260), with a semiannual increment of thirteen dollars ($13), and thereafter annual increments of fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15), to a maximum of three hundred sixteen dollars ($316).

(f) Two deputy clerks, each of whom shall receive a minimum monthly salary of two hundred forty-eight dollars ($248), with a semiannual increment of twelve dollars ($12), and thereafter annual increments of thirteen dollars ($13), fourteen dollars ($14), and fourteen dollars ($14), to a maximum of three hundred one dollars ($301).

(g) One deputy clerk who shall receive a minimum monthly salary of two hundred thirty-six dollars ($236), with a semiannual increment of twelve dollars ($12), and thereafter annual increments of twelve dollars ($12), thirteen dollars ($13), and fourteen dollars ($14), to a maximum of two hundred eighty-seven dollars ($287).

(h) Four deputy clerks, each of whom shall receive a minimum monthly salary of two hundred twenty-five dollars ($225), with a semiannual increment of eleven dollars ($11), and thereafter annual increments of twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13), to a maximum of two hundred seventy-three dollars ($273).

SEC. 3. Section 74134 of said code is amended to read:

Marshal

74134. There shall be one marshal who shall receive a monthly salary of five hundred dollars ($500).

SEC. 4. Section 74135 of said code is amended to read:

Deputy marshals

74135. The marshal may appoint:

(a) Two deputy marshals, each of whom shall receive a minimum monthly salary of three hundred eighty-four dollars ($384), with a semiannual increment of nineteen dollars ($19), and thereafter annual increments of twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred sixty-six dollars ($466).

(b) One stenographer-clerk who shall receive a minimum monthly salary of two hundred sixty dollars ($260), with a

semiannual increment of thirteen dollars ($13), and thereafter annual increments of fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15), to a maximum of three hundred sixteen dollars ($316).

(c) One typist-clerk who shall receive a minimum monthly salary of two hundred forty-eight dollars ($248), with a semiannual increment of twelve dollars ($12), and thereafter annual increments of thirteen dollars ($13), fourteen dollars ($14), and fourteen dollars ($14), to a maximum of three hundred one dollars ($301).

(d) As many deputies to serve as custodians as may be necessary. Custodian

---

CHAPTER 1265

An act to amend Section 61600 of the Government Code, relating to powers and duties of community service districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 61600 of the Government Code is amended to read:

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 acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

CHAPTER 1266

An act to amend Section 25351 of the Government Code, relating to construction, lease, alteration, and repair of public buildings.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 25351 of the Government Code is amended to read:

25351. The board may construct, lease, build, rebuild, furnish, refurnish, or repair buildings for a hospital, almshouse, courthouse, jail, historical museum, aquarium, library, art gallery, art institute, exposition building for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, coliseum, sports arena, or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles and other public meetings, and such other public buildings as are necessary to carry out the work of the county government. Library buildings shall be constructed, built, repaired or refurnished only from taxes levied upon property which is a part of the county free library system as defined in Chapter 2, Division 11 of the Education Code.

CHAPTER 1267

An act to amend Section 23788 of, and to add Section 23788.5 to, the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 23788 of the Business and Professions Code is amended to read:

Licenses; Citizenship

23788. No on-sale general license or on-sale general license for seasonal business shall be issued to any applicant who is not a citizen of the United States, or to a corporation applicant unless a majority of the members of the board of directors, and all of the persons, other than directors, who are charged with the duty of managing or conducting the business of the licensee, are citizens of the United States.

SEC. 2. Section 23788.5 is added to said code, to read:

Employees

23788.5. No on-sale general licensee or on-sale general licensee for seasonal business shall knowingly employ any person to manage, direct, or conduct the business who does not have the qualifications required of a holder of the license.

CHAPTER 1268

An act to amend Section 25656 of, and to repeal Section 25655 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25655 of the Business and Professions Code is repealed. Repeal

SEC. 2. Section 25656 of said code is amended to read:

25656. Every person who uses the services of a female in dispensing wine or distilled spirits from behind any permanently affixed fixture which is used for the preparation or concoction of alcoholic beverages, or in mixing alcoholic beverages containing distilled spirits, on any premises used for the sale of alcoholic beverages for consumption on the premises, or any female who renders such services on such premises, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment. Employment of females

The provisions of this section do not apply to the dispensing of wine or distilled spirits or to the mixing of alcoholic beverages containing distilled spirits by any on-sale licensee or to the dispensing of wine or distilled spirits or to the mixing of such beverages by the wife of any licensee on the premises for which her husband holds an on-sale license.

CHAPTER 1269

An act to amend Section 23102 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23102 of the Business and Professions Code is amended to read as follows:

23102. In the event of the death or decree of incompetency to act of an individual natural person holding a retail license or of the sole general partner in a partnership holding such license, the privileges of his license may be exercised by any duly constituted person acting on his behalf or that of his estate for a period of thirty (30) days. Thereafter the privileges of such a license can be exercised only by a person acting Retail license Death or incompetency

as administrator, executor or guardian of his estate, as his receiver, as a trustee of his bankrupt estate or as his assignee for benefit of creditors, in accordance with written permission from the department to sell and deal in alcoholic beverages under authority of the license issued to the retail licensee and for a period of not exceeding sixty (60) days from the date of the qualification of the person as administrator, executor, guardian, receiver, trustee or assignee for benefit of creditors. At the expiration of such sixty (60) days all rights shall terminate unless there has been filed and is pending before the department an application to transfer such license, including an application to transfer such license under the provisions of Section 24071, in which event such person may continue to conduct such business during the period of time such application is pending before the department.

In the event of the death or incompetency to act of one or more of the natural persons holding a retail license but where one or more of the persons holding such license are alive and competent, the privileges of such license may be exercised by such surviving and competent persons for a period of thirty (30) days or until an administrator, executor, guardian, receiver, trustee or assignee for benefit of creditors has been appointed, whichever is the sooner. Thereafter the privileges of such a license can be exercised only by such persons in accordance with written permission from the department to sell and deal in alcoholic beverages under the authority of the license and for a period of not exceeding sixty (60) days. At the expiration of such sixty (60) days all rights shall terminate unless there has been filed and is pending before the department an application to transfer such license, including an application to transfer such license under the provisions of Section 24071, in which event the person so authorized may continue to conduct such business during the period of time such application is pending before the department.

CHAPTER 1270

An act to amend Sections 23950 and 23951 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 23950 of the Business and Professions Code is amended to read:

License applications

23950. Application for a license shall be made to the department upon a form prescribed by the department and shall be accompanied by such other information as the department

may require to assist it in determining whether the applicant and the premises qualify for a license.

SEC. 2. Section 23951 of said code is amended to read:

Same: Contents

23951. The application shall contain the following:

(a) The name of the applicant.

(b) In the case of a copartnership, the names of the individual partners.

(c) In the case of a corporation, the principal officers and directors.

(d) The location of the premises for which the license is applied.

CHAPTER 1271

An act to repeal Sections 24010 and 24202, and to amend Sections 24046 and 25755 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24010 of the Business and Professions Code is repealed. Repeals

SEC. 2. Section 24202 of said code is repealed.

SEC. 3. Section 24046 of said code is amended to read:

Posting license

24046. Upon receipt of any license, the licensee shall sign it and post it in a conspicuous place upon the licensed premises. Licenses issued for trains, boats, or airplanes may, in lieu of being posted upon the train, boat, or airplane for which issued, be posted in such other place in this State as the department shall designate.

SEC. 4. Section 25755 of said code is amended to read:

Enforcement

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 department 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 1272

An act to amend Sections 24073, 24074 and 24075 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 24073 of the Business and Professions Code is amended to read:

Transfer of license: Notice

24073. No retail license limited in numbers shall be transferred unless before the filing of the transfer application with the department the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the licensee.

(b) The name and address of the intended transferee.

(c) The kind of license or licenses intended to be transferred.

(d) The address or addresses of the premises to which the license or licenses have been issued.

(e) An agreement between the parties to the transfer that the consideration for the transfer of the business and license or licenses, if any there be, is to be paid only after the transfer is approved by the department.

(f) The place where the purchase price or consideration for the transfer of the business and license or licenses is to be paid and the amount of such purchase price or consideration.

(g) The name and address of the escrow holder referred to in Section 24074 of this division.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the department together with a transfer application.

SEC. 2. Section 24074 of said code is amended to read:

Same: Escrow

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, out of the purchase price or consideration, to pay the claims of the bona fide creditors of the licensee who file their claims with the escrow holder on or before the date when the purchase price or consideration is to be paid for the transfer of the license as fixed in the recorded notice of intended

transfer, or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration pro rata to the creditors of the licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 3. Section 24075 of said code is amended to read:

24075. The provisions of Sections 24073 and 24074 do not apply to any transfer of a license made by an executor, administrator, guardian, trustee, receiver, or other person acting in the legal or proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors, nor to a surviving spouse or fiduciary or other person within the meaning of Section 24071.

Transfer by executors, etc

CHAPTER 1273

An act to add Section 23104.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 23104.5 is added to the Business and Professions Code, to read:

23104.5. A sheriff or any other person appointed by a court of competent jurisdiction may sell alcoholic beverages pursuant to a writ of execution to satisfy a judgment, or to execute a court order, only to licensees authorized to sell such alcoholic beverages.

CHAPTER 1274

An act to add Section 25660.5 to, and to amend Section 25661 of, the Business and Professions Code, relating to written, printed, or photostatic evidence of majority and identity of persons.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 25660.5 is added to the Business and Professions Code, to read:

25660.5. Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the majority and identity of such person is guilty of a misdemeanor.

False identification Sale, etc

Same Holder

SEC. 2. Section 25661 of said code is amended to read:

25661. Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least one hundred dollars ($100).

CHAPTER 1275

An act to add Section 24206 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 24206 is added to the Business and Professions Code, to read:

24206. All state and local law enforcement agencies shall immediately notify the department of any arrests made by them for violations over which the department has jurisdiction which involve a licensee or licensed premises. The department shall promptly cause an investigation to be made as to whether grounds exist for suspension or revocation of the license or licenses of the licensee.

CHAPTER 1276

An act to amend Section 551 of the Vehicle Code, relating to traffic laws.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 551 of the Vehicle Code is amended to read:

551. Vehicle Turning Left at Intersection. (a) The driver of a vehicle intending to turn to the left at an intersection shall yield the right of way to any vehicle which has approached or is approaching the intersection from the opposite direction and which is so close as to constitute a hazard at any time during the turning movement.

(b) Said driver turning left having so yielded and having given a signal when and as required by this code may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the driver making the left turn.

CHAPTER 1277

An act to amend Section 676 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 676 of the Vehicle Code is amended to read:

676. Windshields and Windows. (a) No person shall drive any motor vehicle upon a highway with any sign, poster, card, sticker or other nontransparent material upon the front windshield, side wings, side or rear windows of the vehicle, except that such signs, posters, cards, stickers or other materials may be placed on said windshield within a seven-inch square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that said materials will not obstruct the driver's clear view of approaching traffic.

(b) No person shall drive any motor vehicle upon a highway with any object so placed in or upon the vehicle as to obstruct the driver's clear view through the windshield, except required or permitted equipment of the vehicle.

(c) The provisions of this section shall not apply to direction, destination or termini signs upon a passenger common carrier motor vehicle.

(d) Every motor vehicle, except motorcycles and motor-driven cycles, operating on a highway and equipped with a windshield shall also be equipped with a self-operating windshield wiper installed thereon which shall be maintained in good operating condition. Any windshield wiper as required herein to be installed on a vehicle shall provide clear vision through the windshield for the driver and shall be operated under conditions of fog, snow or rain. This section shall not apply to snow removal equipment equipped with adequate manually operated windshield wipers. Every new motor vehicle first registered after December 31, 1949, except motorcycles and motor-driven cycles, shall be equipped with two such windshield wipers, one mounted on the right half and one on the left half of the windshield, which wipers shall be capable of effectively clearing the windshield under all ordinary storm or load conditions while the vehicle is in operation.

CHAPTER 1278

An act to amend Sections 58, 586.5, 599 and 684.5 of the Vehicle Code, relating to flammables.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 58 of the Vehicle Code is amended to read:

"Flammable liquid"

58. Flammable Liquid. A "flammable liquid" is any liquid having a flash point (closed cup test) below 200 degrees Fahrenheit and a vapor pressure not exceeding 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit.

SEC. 2. Section 586.5 of said code is amended to read:

Tow cars: Equipment

586 5. Tow Car Requirements. Every tow car used to tow a vehicle by means of a crane, hoist, tow bar, tow line, or dolly shall:

(a) Be equipped with and carry not less than two red flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the department.

(b) Be equipped with at least two highway warning signs of a uniform type prescribed by the department and shall be so designed as to be visible both day and night. The operator of a tow car used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of any portion of the roadway outside a business or residence district, place a highway warning sign 100 feet in advance of and 100 feet to the rear of the disabled vehicle, except as otherwise provided in this section. When a motor vehicle is disabled on the highway, the tow car operator called to render assistance during the times mentioned in Section 618 hereof shall immediately upon arrival place warning signs upon the highway as prescribed in this section and in addition thereto shall place not less than one red flare, red lantern or warning light or reflector in close proximity to each warning sign.

(c) Be equipped with and carry a fire extinguisher of at least two-quart capacity of a type capable of extinguishing a fire of flammable liquid.

(d) Display in a conspicuous place on both the right and left side of the tow car a sign showing the name of the company or the owner or operator of the tow car. Such sign shall also contain the business address and telephone number of such owner or operator. The letters of the sign herein required shall not be less than 2½ inches in height and the lettering shall be in contrast to the color of the background upon which they are placed.

(e) Be equipped with a lamp emitting a flashing or steady red light mounted on top of the cab of the tow car or on the

top of the crane or hoist if such light can be seen from the front of the tow car. The light from such lamp must be visible for a distance of 1,000 feet under normal atmospheric conditions, and shall be mounted in such a manner that it can be securely fastened with the lens of the lamp facing the rear of the tow car upon which it is mounted. When standing at the location from which the disabled vehicle is to be towed, the operator of the tow car may unfasten the red light and place it in any position deemed advisable to warn approaching drivers. When the disabled vehicle is ready for towing the red light must be turned to rear of the tow car upon which it is mounted and securely locked in this position. Additional red lights of an approved type may be displayed at either or both sides of the tow car as the case may warrant during the period of preparation at the location from which the disabled vehicle is to be towed.

(f) Be equipped with one or more brooms and the operator of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(g) Be equipped with and carry a shovel and whenever practical the tow car operator engaged to remove any disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by such disabled vehicle.

(h) Be equipped with and carry a portable electrical extension cord for use in displaying a light on the rear of the disabled vehicle. The length of such extension cord shall not be less than the length of the combined vehicles and whenever a disabled vehicle is towed during the time set forth in Section 618 of this code and the rear lamp or lamps on the disabled vehicle cannot be lighted, the tow car operator shall provide for such rear light by means of the extension cord herein referred to.

The owner or operator of a tow car who complies with the requirements of this section may stop or park such tow car upon a highway for the purpose of rendering assistance to a disabled vehicle, notwithstanding other provisions of this code.

The provisions of this section shall not apply to those vehicles operated by the Department of Public Works pursuant to the provisions of Section 607.6 of this code.

SEC. 3 Section 599 of said code is amended to read:

599. Signs on Vehicles Carrying Explosives, Poisonous Gases, Flammable or Liquefied Petroleum Gases. (a) No person shall operate any motor vehicle, trailer or semitrailer transporting any explosive substance or poisonous gases as a cargo or part of a cargo, or any motor tank truck, tank trailer or tank semitrailer, used for the transportation of flammable liquids or liquefied petroleum gases within the tanks thereon, unless at the time of such transportation there shall be displayed upon each side and the rear of the exterior of such vehicle a sign upon which shall appear the word "explosives," or "poisonous Signs

gases," or "flammables," whichever may correctly designate such cargo, in letters not less than three inches in height upon a background of sharply contrasting color.

(b) The provisions of this section shall have no application when any such explosive substances, poisonous gases, flammable liquids or liquefied petroleum gases are transported in a truck or in any trailer or semitrailer attached thereto when such truck, and each said trailer and semitrailer so attached thereto, has prominently displayed on each side and the rear of the exterior thereof a trade-mark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of said truck, trailer or semitrailer and generally known to the public as being applied to such explosive substance, poisonous gases, flammable liquids or liquefied petroleum gases.

SEC. 4. Section 684.5 of said code is amended to read:

Shutoff valves

684.5. Shutoff Valves on Vehicles Carrying Dangerous Substances. No person shall transport any explosive substance, flammable liquid having a flash point of 70 degrees Fahrenheit or below, liquefied petroleum gas, or poisonous gas in a tank truck, trailer, or semitrailer which is equipped with an external shutoff valve unless the vehicle is also equipped with a shutoff valve inside each tank which is so constructed and placed that any damage, displacement, or removal of the external shutoff valve, whether by accident or otherwise, will not of itself release or cause the escape of any part of the contents of the tank truck, trailer or semitrailer.

The provisions of this section shall apply to new tank trucks, trailers or semitrailers first purchased or acquired after July 1, 1948, and on and after October 1, 1952, the provisions of this section shall apply to all tank trucks, trailers or semitrailers.

CHAPTER 1279

An act to amend Section 623 of the Vehicle Code, relating to vehicles.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 623 of the Vehicle Code is amended to read:

623. Exemptions. The provisions of Chapters 2 and 3 shall not apply to implements of husbandry or special mobile equipment, but any such vehicle or equipment shall be subject to the provisions of Sections 624, 640, 641 and 642 hereof.

CHAPTER 1280

An act to create a flood control district to be called Tehama County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be known and designated as "Tehama County Flood Control and Water Conservation District," and the boundary and territory of said district are as follows: all that territory of the County of Tehama lying within the exterior boundaries thereof.

SEC. 2. "District" means Tehama County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

"County" means the County of Tehama.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby

created to be a body corporate and politic and as such shall have power:

(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 pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights of way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof, except that such right shall be exercised only as against property located within the county.

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of 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 public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district; provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same

as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(*m*) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any depart-

ment, 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 rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of 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 or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contami-

nation, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(s) To cooperate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Tehama, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Tehama County Flood Control and Water Conservation District; to acquire by negotiation only the right

to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Tehama County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

SEC. 4. The board of directors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or

amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 5 of this act.

SEC. 5. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 6. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Tehama County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board At the completion of a zone project the board shall appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Tehama County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

SEC. 7. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Title 6 of the Government Code, except for the number of petitioners required, and the district shall be considered a district within the meaning of all the provisions of such article.

SEC. 8. On or before 60 days after the effective date of this act, the Board of Supervisors of Tehama County shall appoint a district board of directors of five members which shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the pur-

pose of this act. Each member of the board of directors appointed by the Board of Supervisors of Tehama County shall be a resident and qualified elector of the district and a freeholder owning land within the district.

Of the members first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Thereafter all members shall be appointed for a term of four years. Any member of the board of directors may be removed from office at any time, with or without cause, by the board of supervisors, a majority of the entire membership concurring. All vacancies of the membership of the board of directors shall be immediately filled by appointment by the board of supervisors for the unexpired portion of the term in which they occur.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth, and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of directors shall serve without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 9. 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 forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 10. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by 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.

SEC. 11. 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, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

SEC. 12. 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 hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the State, any county, city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 14. There is granted to the district the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

SEC. 15. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 16. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

SEC. 17. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of three cents ($0.03) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

The board may increase the tax levied pursuant to this section to an amount not to exceed the total sum of five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of all property within the district, upon first obtaining the approval for such a levy from the Board of Supervisors of Tehama County.

SEC. 18. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

SEC. 19. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be

included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

SEC. 19 5. The following areas are exempted from inclusion in any zone within the district except upon written application to be included in all or part of any proposed zone:

(a) Existing irrigation districts.

(b) The operating areas of any existing mutual water companies.

SEC. 20. If after the hearing provided for in Section 5 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Tehama County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 21. Should the proposition be submitted to the electorate as provided in Section 20 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

SEC. 22. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 19, but before the calling of the bond election as provided in Section 20 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision. Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract

shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 23. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The district or the board of directors thereof are not by this act authorized to issue general obligation bonds for the purpose of conserving or distributing water to be used for agricultural irrigation purposes. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the California Districts Securities Commission but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 24. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 25. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Tehama, to determine

the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Tehama County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Tehama, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 26. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section

for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 27. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 28. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 29. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irri-

gation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this act may be so used.

SEC. 30. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Tehama, and be paid out by her upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

SEC. 31. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are

applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Tehama as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the Board of Supervisors of the County of Tehama and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 32. After the first bond election in the district at which bonds shall be authorized, or after the district becomes

indebted to the United States pursuant to Section 3 (u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 31 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 33. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1¾ of Article XIII of the State Constitution.

SEC. 34. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 35. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 36. 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.

SEC 37. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The effective culmination of planning and application and operation of engineering and fiscal data developed for use in this project requires the development of an immediate and expedient program prior to the flood season. In order to accomplish this purpose and to effect operation at the earliest possible moment under favorable conditions, it is necessary that this act take effect immediately.

SEC. 38. Notwithstanding Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, the district is validly created for the purposes of assessment and taxation. The creation of any zone in the district shall not be effective for purposes of assessment or taxation for the Fiscal Year 1957-58 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the district.

For the Fiscal Year 1957-58, but for no other fiscal year, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of this district for the Fiscal Year 1957-58 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1957-58 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1957, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1957-58, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of Tehama County, sitting as the county board of equalization, in addition to its regular equalization duties shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of

assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1957-58.

Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code does not apply to the district with respect to any tax or assessment levied by the district for the Fiscal Year 1957-58.

SEC. 39. This act shall be known as the "Tehama County Flood Control and Water Conservation District Act."

CHAPTER 1281

An act to amend Section 585.7 of the Vehicle Code, relating to abandoned vehicles.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 585.7 of the Vehicle Code is amended to read:

Removal of abandoned vehicles

585.7. Removal of Abandoned Vehicles. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located who has reasonable grounds to believe that such vehicle has been abandoned, is hereby authorized to remove such vehicle from a highway or from public or private property to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency of which the officer is a member.

(b) Either before or after removal of said vehicle, the public agency employing such officer shall cause an appraisal to be made of any vehicle which reasonably appears to have been abandoned. Such appraisal shall be made by a person authorized to make such appraisal under Section 585.8.

(c) If the vehicle is appraised at a value exceeding seventy-five dollars ($75), the provisions of subdivisions (c), (d), (e) and (f) of Section 585 shall apply.

(d) If the vehicle is appraised at a value not exceeding seventy-five dollars ($75), and a lienholder does not within 15 days following such appraisal indicate his intention to exercise any right he may have to sell the vehicle at public sale under Section 428.5, the officer removing said vehicle shall file with the Department of Motor Vehicles in Sacramento a certificate which shall describe the vehicle and shall state the following:

(1) That the vehicle has been appraised at a value not exceeding seventy-five dollars ($75).

(2) That such vehicle will be junked or dismantled.

(3) That investigation by a duly authorized officer failed to locate the owner or legal owner at the address or addresses of record as shown in the records of the Department of Motor Vehicles in Sacramento, or that, having been located, such person has subscribed to an affidavit disclaiming any future interest in the vehicle, or has refused to subscribe to such an affidavit and has for a period of 15 days after official notification that said vehicle is to be wrecked or dismantled, failed to reclaim said vehicle. Said refusal and failure to reclaim shall constitute a waiver of interest in the vehicle. In the event an affidavit is subscribed, such affidavit shall accompany the certificate herein required.

Upon completion and forwarding of such certificate or certificate and affidavit to the Department of Motor Vehicles, such officer, or the public agency employing him, may authorize that said abandoned vehicle be disposed of to a licensed automobile wrecker without the necessity of public sale and free of any lien for fees and penalties due and payable to the Department of Motor Vehicles. Such officer or public agency shall execute and deliver a bill of sale, together with a copy of the documents filed with the Department of Motor Vehicles, to the person receiving said vehicle.

In no event shall such documents be forwarded to the Department of Motor Vehicles nor said vehicle be disposed of until the expiration of 15 days from the day such vehicle was removed from a highway or public or private property.

(e) In the event a vehicle as described in subdivision (d) is sold by the public agency removing the same, the proceeds of such sale shall be disposed of in the following manner:

(1) First, to pay any cost of towing and storage involved in removal of the vehicle.

(2) The balance shall be forwarded to the Department of Motor Vehicles. Said department may recover therefrom any fees and penalties due and payable to the Department of Motor Vehicles in respect to such vehicle.

(3) Any balance then remaining shall be paid by the Department of Motor Vehicles first to any legal owner, and

second to any registered owner, as their interests may appear upon the records of said department. If such payments cannot be made, the balance shall be deposited in the Motor Vehicle Fund.

CHAPTER 1282

An act to amend Section 445.2 of the Vehicle Code, relating to driving schools.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 445.2 of the Vehicle Code is amended to read:

Driving school and instructor's license

445.2. Department to Issue Licenses. (a) 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.

(b) Temporary Permit. Pending the satisfaction of the department that the applicant has met the requirements under this division, it may issue to any person applying for an instructor's or driving school license a temporary permit. The temporary permit shall permit the operation of a driving school or the giving of instructions for a period not to exceed 60 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit may not be renewed or extended and shall be invalid when the applicant's license has been issued or refused.

(c) The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this division.

(2) The applicant was previously the holder of a license hereunder which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 445.4 of this division.

(4) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the corporation, if a corporation be the applicant,

was previously the holder of a license issued under the authority of this code, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 445.4 of this division; or has been convicted of a felony.

(5) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of such business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this division would likely be defeated.

(c) Upon refusal of the Department of Motor Vehicles to issue a license certificate, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(d) The hearing shall be conducted pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

CHAPTER 1283

An act to amend Sections 445.4 and 445.5 of the Vehicle Code, relating to driving schools.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 445.4 of the Vehicle Code is amended to read:

Cancellation, etc., of license

445.4. Department May Cancel, Suspend, Revoke or Refuse to Renew License. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this division:

(a) When the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this division.

(b) Whenever the licensee fails to keep the records required herein.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department of Motor Vehicles, or induces or countenances

fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this division or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the Department of Motor Vehicles.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the Department of Motor Vehicles or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Section 480, 481, 482, 505b, or 506 of the Vehicle Code or Section 192 or 193 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

SEC. 2. Section 445.5 of said code is amended to read:

Hearing

445 5. Hearings on Cancellation, Suspension or Revocation of License. (a) 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 445.1(b)4.

(b) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

(c) 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.

CHAPTER 1284

An act to amend Section 666 of the Penal Code, relating to the effect of a prior conviction of petit theft on the penalty for a subsequent conviction.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 666 of the Penal Code is amended to read:

666. Every person who, having been convicted of petit larceny or petit theft and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for such offense, commits any crime after such conviction is punishable therefor as follows:

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender could be punished by imprisonment in the state prison for any term exceeding five years, such person may be punished by imprisonment in the state prison for the maximum period for which he might have been sentenced if such offense had been his first offense, but in no case less than five years.

2. If the subsequent offense is such that upon a first conviction, the offender would be punishable by imprisonment in the state prison for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding 10 years.

3. If the subsequent conviction is for petit theft, then the person convicted of such subsequent offense is punishable by imprisonment in the county jail not exceeding one year, or in the state prison not exceeding five years.

CHAPTER 1285

An act to amend Section 10082 of the Business and Professions Code, relating to the real estate directory.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10082 of the Business and Professions Code is amended to read:

10082. The commissioner may publish or cause to be published at appropriate intervals a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to this part and Chapter 1 (commencing with Section 11000) of Part 2. He shall furnish one

copy of such directory to each licensed broker upon his request and the payment of an appropriate charge based upon cost of publication. Such directory may contain copies of the Real Estate Law, Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of the Business and Professions Code, and the Rules and Regulations of the Real Estate Commissioner.

CHAPTER 1286

An act to add Article 5 (commencing at Section 32490) to Chapter 2, Part 8, Division 12 of the Water Code, relating to county water districts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 is added to Chapter 2, Part 8, Division 12 of the Water Code, to read:

Article 5. Inclusion in Improvement Districts

Inclusion within district

32490. Any land within a district but not part of any improvement district which has been formed and constituted within the district pursuant to Chapter 2 (commencing at Section 31370) of Part 6 of this division, whether or not contiguous to any such improvement district, may be included within such improvement district.

Procedure

32491. Except as provided in this article, the procedure for including land within such an improvement district shall be the same as the procedure set forth in this chapter for the inclusion of land within the district.

Construction

32492. All references to ordinances in Articles 3 (commencing at Section 32440) and 4 (commencing at Section 32470) of this chapter shall be construed to mean resolutions for the purpose of this article.

Filing

32493. A resolution declaring land to be included within an improvement district need not be filed with the Secretary of State.

Inclusion in district

32494. A resolution declaring that land is included within an improvement district shall be effective as provided in Section 32448 and from and after the effective date of said resolution the land therein described is included in the improvement district and forms a part thereof and is subject to existing bond issues and indebtedness of the improvement district

CHAPTER 1287

An act to amend Section 32958 of the Water Code, relating to county water districts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 32958 of the Water Code is amended to read:

32958. This article shall remain in effect until the ninety-first day after the final adjournment of the 1959 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 1288

An act to repeal Sections 12327 and 12331 of, and to amend Section 12328 of the Government Code, relating to state fiscal procedures.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Sections 12327 and 12331 of the Government Code are repealed. Repeals

SEC. 2. Section 12328 of said code is amended to read:

12328. The Treasurer shall report daily to the Controller the amounts disbursed during the preceding day and the funds out of which the disbursements were paid. Reports

---

CHAPTER 1289

An act to amend Sections 17093 and 17094 of the Government Code, relating to state fiscal procedures.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 17093 of the Government Code is amended to read:

17093. If the bond is approved, the Controller shall issue and deliver to the applicant, on demand, a duplicate warrant Duplicate warrant

for the full amount of the original warrant. When the Controller issues the duplicate, he shall notify the Treasurer that a duplicate warrant has been issued and identify the warrant.

SEC. 2. Section 17094 of said code is amended to read:

Book entry

17094. The Controller shall make the proper entries on his books, showing the lost or destroyed warrants, and the issuance of duplicate warrants in lieu thereof.

CHAPTER 1290

An act to add Chapter 8, commencing at Section 6800, to Division 8 of the Elections Code, relating to voting.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 is added to Division 8 of the Elections Code, to read:

CHAPTER 8. ELECTRONIC OR ELECTROMECHANICAL TABULATION OF BALLOTS

Application

6800. This chapter applies only in counties containing 20 or more Assembly districts.

Voting machines

6801. Notwithstanding any other provisions of this code, the ballots to be counted by means of electronic or electromechanical devices may be of such size, composition, texture and printed in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Ballots

6802. The ballots may contain printed code marks or punched holes which may be used for placing the ballots in correct reading position in the counting devices. Such code marks or punched holes shall not be used in any way that will reveal the identity of the voters voting such ballots.

6803. The device for marking the ballot may be of any size, shape or form and the impression made on the ballot may be in the form of a cross, square, circle, rectangle, or any other design that will clearly indicate the choice of the voter. Any type of ink or other substance that will clearly show the voter's choice may be used in or in conjunction with the marking device.

Delivery Clerk

6804. At the close of the polls a member of the precinct board shall deliver the ballots, sealed in a container, to the station designated by the clerk. The clerk shall receipt for the ballots.

Same Central counting place

6805. The clerk shall cause the ballots to be delivered by safe means to the central counting place.

Counting

6806. All proceedings at the central counting place shall be open to the view of the public, but no person except one

employed and designated for the purpose by the clerk or his authorized deputy shall touch any ballot or ballot container.

6807. When ballots are counted under the provisions of this chapter, the result of the vote shall by shown by precincts. Precinct results

6808. The provisions of this chapter shall become effective and operative when electronic or electromechanical counting equipment has been satisfactorily tested and has received the approval of the State Commission on Voting Machines prior to any election at which it is to be first used. Operative date

CHAPTER 1291

An act to amend Section 20621 of the Education Code, relating to state college police.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20621 of the Education Code is amended to read:

20621. The Department of Education may appoint one or more persons to constitute a security patrol for each state college. Persons employed and compensated as members of a security patrol, when so appointed and duly sworn, are peace officers only upon the campus of the state college and other grounds or properties of the state college.

CHAPTER 1292

An act to add Section 20406 to, and repeal Sections 20401, 20402 and 20403 of, the Education Code, relating to extension services of the state colleges.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 20406 is added to the Education Code, to read:

20406. The Director of Education shall authorize the president of any state college to establish extension and field services, including extension courses, workshops, conferences, and institutes. Extension courses

SEC. 2. Sections 20401, 20402 and 20403 of said code are hereby repealed. Repeals

CHAPTER 1293

An act to amend Section 211 of the Vehicle Code, relating to registration exemptions for persons in military service.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 211 of the Vehicle Code is amended to read:

211. Exemption of Person in Military Service. Any nonresident owner of a foreign vehicle who is a member of the armed forces of the United States on active duty within this State shall be entitled to the exemption granted under Section 210 under the conditions therein set forth. Any member of the armed forces, whether a resident or nonresident, shall also be entitled to exemption from registration in respect to a vehicle owned by him upon which there is displayed a valid license plate or plates issued for such vehicle in a state where the presence of such owner was required by military orders at the time such license plate or plates were issued.

CHAPTER 1294

An act to amend Section 445.1 of the Vehicle Code, relating to driver training schools.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 445.1 of the Vehicle Code is amended to read:

Qualifications for license

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 examination fee of two hundred dollars ($200) which shall entitle the applicant to three examinations within a period of one year, and a license 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).

CHAPTER 1295

An act to amend Sections 240, 245.5 and 246 of the Vehicle Code, relating to the dismantling of vehicles.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 240 of the Vehicle Code is amended to read:

240. Application for and Issuance of License and 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 and 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.

Wrecker's license Application and 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.

(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.

(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.

SEC. 2. Section 245.5 of said code is amended to read:

Same: Suspension

245.5. Suspending, Revoking or Refusing to Renew Certificate, License or Special Plates Issued to Automobile Wrecker. (a) The department after notice and hearing may suspend, revoke or refuse to renew a certificate or license, or the special plates issued to an automobile wrecker, upon determining that any such automobile wrecker is not lawfully entitled thereto or has made, or knowingly or negligently permitted, any illegal use of such plates, license or certificate, or has committed fraud in the registration of vehicles, or failed to give notices of transfers when and as required of him by this code, or fails to surrender to the department certificates of ownership, registration cards or license plates last issued for vehicles before beginning to dismantle or wreck the vehicles.

(b) The department may pending a hearing, temporarily suspend or refuse to renew the certificate, license or special plates issued to an automobile wrecker for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

SEC. 3. Section 246 of said code is amended to read:

Evidence of registration

246. Person Dismantling or Wrecking Vehicle to Return Evidences of Registration. Any person desiring to dismantle or wreck any vehicle subject to registration hereunder shall forward to the department the certificate of ownership, registration card, and the license plate or plates last issued therefor before beginning to dismantle or wreck such vehicle. The de-

partment 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 person 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 1296

An act to amend Section 6348.5 of the Business and Professions Code, relating to county law libraries.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6348.5 of the Business and Professions Code is amended to read:

6348.5. A board of law library trustees may invest surplus funds, with the approval of the county treasurer, in excess of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, in bonds of the Government of the United States or of this State. Bonds so purchased may be sold at any time in the discretion of the board. In computing average annual expenditures for the purposes of this section, capital expenditures for the purchase of real property and construction of a library building shall not be included.

CHAPTER 1297

An act to amend Sections 1192.1 and 1192.2 of, and to add Sections 1192.3 and 1192.4 to, the Penal Code, relating to pleas of guilty in criminal cases.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1192.1 of the Penal Code is amended to read:

Plea to specific degree

1192.1. Upon a plea of guilty to an information or indictment accusing the defendant of a crime divided into degrees when consented to by the prosecuting attorney in open court and approved by the court, such plea may specify the degree thereof and in such event the defendant cannot be punished for a higher degree of the crime than the degree specified.

SEC. 2. Section 1192.2 of said code is amended to read:

Same

1192.2. Upon a plea of guilty before a committing magistrate as provided in Section 859a of this code, to a crime divided into degrees, when consented to by the prosecuting attorney in open court and approved by such magistrate, such plea may specify the degree thereof and in such event, the defendant cannot be punished for a higher degree of the crime than the degree specified.

SEC. 3. Section 1192.3 is added to said code, to read:

Pleas specifying punishment

1192.3. Upon a plea of guilty to an information or indictment for which the jury has, on a plea of not guilty, the power to recommend, the discretion of imposing, or the option to impose a certain punishment, the plea may specify the punishment to the same extent as it may be specified by the jury on a plea of not guilty. Where such plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant cannot be sentenced to a punishment more severe than that specified in the plea.

SEC. 4. Section 1192.4 is added to said code, to read:

Failure to accept plea Effect

1192.4. If the defendant's plea of guilty pursuant to Section 1192.1, 1192.2 or 1192.3 of this code be not accepted by the prosecuting attorney and approved by the court, the plea shall be deemed withdrawn and the defendant may then enter such plea or pleas as would otherwise have been available. The plea so withdrawn may not be received in evidence in any criminal, civil or special action or proceeding of any nature, including proceedings before agencies, commissions, boards and tribunals.

CHAPTER 1298

An act to add Section 1276 to the Penal Code, relating to admission to bail.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1276 is added to the Penal Code, to read:

1276. When an arrest has been made without a warrant for the commission of a bailable offense, and the person so arrested has not been taken before a magistrate and no warrant fixing bail has been issued for the arrest of such person, a magistrate having jurisdiction of the offense or a commissioner of a court having jurisdiction of the offense shall have authority to fix and take bail for the appearance of such person before a magistrate. Upon the taking of bail so fixed the magistrate or commissioner shall make and sign an order for the release of the arrested person and shall set a time and place for the appearance of such person before a magistrate. A copy of such order shall be delivered to the magistrate before whom said person is directed to appear and a copy delivered to the prosecuting authority having jurisdiction to prosecute the offense. Each of said copies shall be delivered not less than 24 hours before the date and hour of the appearance so fixed. The provisions of Section 1274 shall not apply to admission to bail under this section.

CHAPTER 1299

An act to amend Sections 69 and 82 of the Civil Code, relating to marriages of minors.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69 of the Civil Code is amended to read:

69. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show: Marriage license

1. The identity of the parties.
2. Their real and full names, and places of residence.
3. Their ages; and
4. Whether white, Mongolian, Negro, Malayan or mulatto

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time

of making the application, for said license, under the influence of any intoxicating liquor, or narcotic drug; and no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian, or member of the Malay race. If the male is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously married, no license may be issued by the county clerk unless both parties are capable of consenting to and consummating marriage as provided for in Section 56 of this code and such consent or consents must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters enumerated in this section, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them.

The forms for the application for license to marry and the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this section.

SEC. 2. Section 82 of said code is amended to read:

Annulments

82. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

One. That the party in whose behalf it is sought to have the marriage annulled was without the capability of consenting thereto as provided for in Section 56 of this code; unless, after attaining the age of consent, such party for any time freely cohabited with the other as husband or wife.

Two. That the former husband or wife of either party was living, and the marriage with such former husband or wife was then in force.

Three. That either party was of unsound mind, unless such party, after coming to reason, freely cohabit with the other as husband or wife.

Four. That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband or wife.

Five. That the consent of either party was obtained by force, unless such party afterwards freely cohabited with the other as husband or wife.

Six. That either party was, at the time of marriage, physically incapable of entering into the marriage state, and such incapacity continues, and appears to be incurable.

CHAPTER 1300

An act to amend Sections 5450, 6400, 6401, 6402 and 6420 of the Streets and Highways Code, relating to local assessment bonds.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 6400 of the Streets and Highways Code is amended to read:

Serial bonds

6400. The legislative body of any city may determine that serial bonds shall be issued in the manner and form provided in this part to represent assessments of fifty dollars ($50) or over for the cost of any work authorized in Part 3 of this division.

SEC. 2. Section 6401 of said code is amended to read:

Waterworks

6401. If the contemplated work consists only of the construction or installation of conduits, pipes, hydrants, meters, or other appurtenances for supplying and distributing a domestic water supply, the legislative body of any city may determine that serial bonds shall be issued in the manner and form provided in this part to represent assessments of twenty-five dollars ($25) or over for the cost of such work.

SEC. 3. Section 6402 of said code is amended to read:

Unpaid assessments

6402. If the amount of the unpaid assessment upon any lot or parcel of land is less than fifty dollars ($50), or less than twenty-five dollars ($25) for work mentioned in Section 6401, the assessment shall be collected as provided in Part 3 of this division.

SEC. 4. Section 6420 of said code is amended to read:

Same: Report

6420. After the full expiration of 30 days from the date of the recordation of the warrant, and after the filing of the written statement of all payments received by the contractor or his assignees upon the assessment, the street superintendent shall make and certify to the treasurer a complete list of all assessments unpaid, which amount to fifty dollars ($50) or over, upon any assessment, or diagram number, or which amount to twenty-five dollars ($25) or over, upon any assessment, or diagram number, for work mentioned in Section 6401.

SEC. 5. Section 5450 of said code is amended to read:

Collection

5450. As an alternative method for the collection of cash assessments or assessments of less than fifty dollars ($50) levied under the provisions of this division, the legislative body may, and upon the written request of the contractor or his assigns, shall, by resolution adopted on or before the third Tuesday in September, direct that such assessments be collected upon the tax roll upon which general taxes are collected.

CHAPTER 1301

An act to amend Sections 31469.3 and 31470 of, to amend and renumber Section 31470.6 of, and to add Sections 31470.6, 31558.5, 31639.7 and 31639.8 to, the Government Code, relating to the retirement of county employees.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31469.3 of the Government Code is amended to read:

"Safety member"

31469.3. "Safety member" means any person who is either:

(a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Section 31676.1 or 31695.1 or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Section 31470.2, 31470.4 or 31470.6.

SEC. 2. Section 31470 of the Government Code is amended to read:

"Member"

31470. "Member" means any person included in the membership of the retirement association pursuant to Article 4, and includes safety members as defined in Sections 31469.3, 31470.2, 31470.4 and 31470.6, or any person who has elected in writing to come within the provisions of Article 9.

SEC. 3. Section 31470.6 of said code is amended and renumbered to read:

Eligibility decision

31470.8. In cases of doubt as to whether a person is eligible to become a safety member, the board shall decide.

SEC. 4. Section 31470 6 is added to the Government Code, to read:

Lifeguards

31470.6. A permanent employee of a county having a population in excess of 2,000,000 whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled in water areas at beaches and lakes, streams, dams, reservoirs, or other bodies of open water (not including swimming pools) or in small craft or airplanes at sea near the shore line and the recovery from such water areas of submerged objects and bodies of persons drowned or believed to have drowned in such areas, or the immediate supervision thereof, including persons employed to perform the duties now performed under the titles of aquatics director, chief lifeguard, captain lifeguards, skipper rescue boat, lieutenant lifeguards, deck hand rescue boat, beach lifeguard, but who performs additional duties, some of which (including the maintenance of peace and order and the apprehension of law violators) are customarily performed by police or peace

officers, and whose other duties (such as resuscitation work involving the use of special equipment in cases having no connection with their principal duties) which in other areas are customarily performed by firemen, and other and further duties (such as the rescue of persons from disabled aircraft and small boats in inshore or inland waters and the removal of dangerous obstructions from such waters) which do not come directly within any of the aforesaid classifications but are essential to the safety and security of the public, excluding those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active lifeguarding or lifesaving service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active lifeguarding or lifesaving service, shall be considered and is hereby classified as an employee whose principal duties consist in "active law enforcement."

SEC. 5. Section 31558.5 is added to the Government Code, to read:

Same Eligibility as safety members

31558.5. All members employed on and prior to January 1, 1958, whose duties are described in Section 31470.6 and who prior to that date file with the board a written election to become safety members, shall become safety members on January 1, 1958.

After January 1, 1958, each person not over 35 years of age when employed in a position the principal duties of which are described in Section 31470.6, shall become a safety member on the first day of the calendar month following his entrance into the service.

SEC. 6. Section 31639.7 is added to the Government Code, to read:

Credit for prior time

31639.7. If a member not previously within the field of membership as a safety member is brought within such field of safety membership by amendment to this chapter, he may receive credit as a safety member for all or any part of the time during which his duties would have made him eligible to become a safety member if such amendment had then been in effect by filing with the board at the time he elects to become a safety member his election to pay into the retirement fund an amount equal to the difference between the contributions actually made during the time for which he claims credit and the contributions he would have made during such time, including all additional contributions, if any, required by Article 7.5 of this chapter, had he been a safety member.

SEC. 7. Section 31639.8 is added to the Government Code, to read:

Additional contributions

31639.8. The additional contributions of such members shall be paid by regular monthly salary deductions in the amount specified by the member, but in no case less than six dollars ($6) per month. The total amount due shall be paid

prior to the effective date of his death or retirement, except that his spouse, or his minor children if no spouse survives him, may elect to pay any balance due within 90 days after the death of a member. If the total amount due is not paid the member, his spouse or his minor children shall receive credit for service as a safety member for only the time for which such additional contributions are made. Any member who has elected to make such additional payments in installments by salary deductions may complete payment thereof by a single lump-sum payment at any time prior to the effective date of his retirement.

CHAPTER 1302

An act to add Section 35002.1 to the Government Code, relating to annexation of territories to cities.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 35002.1 is added to the Government Code, to read:

35002.1. Within 20 days after a written description of a proposal for the annexation of territory to a city has been filed with the secretary of the boundary commission of the county, the boundary commission shall prepare a report containing a list of all districts in which the property proposed to be annexed is situated, and transmit a copy of such report to the clerk of the legislative body of the city to which it is proposed that the territory be annexed.

CHAPTER 1303

An act to amend Section 12126 of the Education Code, relating to credentials for service in schools.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 12126 of the Education Code is amended to read:

12126. For the junior college credential, general secondary credential, junior high school credential, general elementary credential, and kindergarten-primary credential, there is required (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a junior college, college, or university of recognized merit in the State or, as to a provisional credential, given

by a county superintendent of schools in the State or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the State Board of Education as meeting undergraduate credit requirements for credentials issued by the State Board of Education or in any publicly supported junior college in the State. Such a credential, valid only to the credential expiration date in the year next following the date of first issuance of the credential, may be granted without the passing of this examination or the completion of this work; provided, that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

CHAPTER 1304

An act to amend Section 8755 of the Education Code, relating to junior high schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 8755 of the Education Code is amended to read:

8755. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be the amount fixed in an agreement entered into by the governing board of the elementary district and the governing board of the high school district. The governing boards are hereby authorized to enter into such an agreement. If the governing boards fail to enter such an agreement, the amount of the tuition charge shall be fixed by the county board of education. In either event, the tuition charge shall not be less than the average net cost of educating pupils in the first six grades of the elementary schools of the elementary school district, less the amount of any apportionments withheld from the said elementary school district and added to said high school district pursuant to Section 7125.1, nor more than the actual net cost to the high school district of educating such pupils, less the amount of any apportionments withheld from said elementary school district and added to said high school district pursuant to Section 7125.1. On or before January 1st of each fiscal year, the county superintendent of schools shall draw his warrant

Tuition for junior high schools

in favor of the high school district against the general fund of the elementary school district in the amount of the tuition charge due to the high school district for the attendance of pupils at the junior high school during the preceding fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

Urgency

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amounts computed as tuition charges for interdistrict attendance must be included in the budgets of the districts paying such amounts and those receiving such amounts. School district budgets must be prepared and finally adopted by August of a current fiscal year. In order that changes in the amount of tuition charges made by this act may be included in the school district budgets for the 1957-58 Fiscal Year, it is necessary that this act take effect immediately.

CHAPTER 1305

An act to amend Section 28123 of the Government Code, relating to compensation for public service in counties of the twenty-third class.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 28123 of the Government Code is amended to read:

28123. In a county of the twenty-third class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand dollars ($8,000) 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, ten thousand dollars ($10,000) 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, six thousand dollars ($6,000) a year for all services performed by him as supervisor and as a 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 1306

An act to add Section 69b to the Civil Code, relating to certificates of registry of marriage.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 69b of the Civil Code is added to said code, to read:

69b. Upon the loss or destruction of a certificate of registry of marriage subsequent to the marriage ceremony but before filing with the county recorder in order to comply with Section 69a of this code, the person solemnizing the marriage shall obtain a duplicate certificate of registry of marriage by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued.

The fee for issuing said duplicate certificate is one dollar ($1).

CHAPTER 1307

An act to amend Sections 73772, 73773, and 73778.5 of the Government Code, relating to the municipal court in a district designated as the Central Judicial District of Marin County.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of five hundred eighty-four dollars ($584) 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 seven hundred ten dollars ($710) monthly.

Salaries Municipal court clerk

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:

73773. The clerk, with the approval of the judges of said court, may appoint:

Deputy clerks

(a) One chief deputy clerk who shall receive a minimum salary of four hundred fifty-eight dollars ($458) monthly with annual increments of twenty-three dollars $23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty-six dollars ($556) monthly.

(b) Four deputy clerks grade IV, each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(c) Five deputy clerks grade III, each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) 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-five dollars ($395) monthly.

(d) Four deputy clerks grade II, each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

(e) Six deputy clerks grade I, each of whom shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

Allocation of ranges and increments

In the application of the provisions of this section to existing officers and attaches of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 3. Section 73778 5 of said code is amended to read:

Computation of 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 following completion of one year's service since date of employment, last salary increment, or promotion involving salary increase, whichever last occurred. Salary adjustments granted under Section 73779 or by amendment of Sections 73772 and 73773 are to be disregarded in determination of anniversary date. Service is to be construed as time for which compensation has been paid.

CHAPTER 1308

An act to amend Section 5031 of the Public Resources Code, relating to the State Park System.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5031 of the Public Resources Code is amended to read:

5031. The State Park System includes:

1. California Redwood Park.
2. Chief Solano Monument.
3. Donner Monument.
4. First Theater (Monterey).
5. Fort Ross Historical Monument.
6. Junipero Serra Monument.
7. Marshall's Monument.
8. Mission Bay State Park.
9. Monterey Custom House.
10. Mount Diablo State Park.
11. Pio Pico Mansion.
12. San Pasqual Battlefield.
13. Sonoma Mission Historical Monument.
14. Tamalpais State Park.
15. Columbia Historic State Park.
16. Pueblo de Los Angeles State Historical Monument.

CHAPTER 1309

An act to amend Sections 7202 and 7203 of the Revenue and Taxation Code, and to add Section 7201.3 thereto, relating to local sales and use taxes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 7201.3 is added to the Revenue and Taxation Code, to read:

County purchase and use tax ordinances

7201.3. Any chartered county or city and county which is not authorized by its charter to impose a tax on the privilege of selling tangible personal property at retail, but which is empowered to impose a tax on the privilege of purchasing tangible personal property from a retailer, or using or otherwise consuming such property so purchased, may by action of its board of supervisors elect to come under this part by enacting a purchase and use tax or purchase or use tax ordinance containing provisions similar to or substantially the same as

those required to be included in the sales tax portion of any sales and use tax ordinance adopted pursuant to this part. Any purchase and use tax or purchase or use tax ordinance so enacted shall be deemed to be a sales and use tax ordinance adopted pursuant to this part.

SEC. 2. Section 7202 of said code is amended to read:

Sales tax: County ordinance

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:

(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.

(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.

(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.

(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.

(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.

Such ordinance may include a provision that the sale, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost or purchase price of which has been subject to purchase or sales or use tax under a purchase and use tax ordinance enacted prior to April 1, 1956, by any city and county in this State which provides for a similar reciprocal exemption from tax shall be exempt from the tax due under the ordinance, if and as long as every city in the county (other than a city not imposing a tax under this part) shall provide for a similar exemption.

(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.

(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.

(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:

City ordinance

(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.

Such ordinance may include a provision that the sale, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost or purchase price of which has been subject to purchase or sales or use tax under a purchase and use tax ordinance enacted prior to April 1,

1956, by any city and county in this State which provides for a similar reciprocal exemption from tax shall be exempt from the tax due under the ordinance, if and as long as the county in which the city is located and every other city in the county (other than a city not imposing a tax under this part) shall provide for a similar exemption.

(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.

SEC. 3. Section 7203 of said code is amended to read:

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:

(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.

(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.

(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.

Such ordinance may include a provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost or purchase price of which has been subject to purchase or sales or use tax under a purchase and use tax ordinance enacted prior to April 1, 1956, by any city and county in this State which provides for a similar reciprocal exemption from tax shall be exempt from the tax due under the ordinance, if and as long as every city

in the county (other than a city not imposing a tax under this part) shall provide for a similar exemption.

(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.

Termination date

SEC. 4. The amendments of Sections 7202 and 7203 of the Revenue and Taxation Code made by this act shall be operative only until April 1, 1959, and thereafter shall have no force or effect; and on and after that date those sections as they read immediately before the amendments made by this act shall be operative as they so read.

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:

Various communities throughout the State have been legally unable to meet the requirements of the Bradley-Burns Uniform Local Sales and Use Tax Law, with the result that they have been deprived of the benefits of the legislation, the objectives of the law have been difficult of attainment, and numerous and complex problems have arisen, to the detriment of all concerned. This act will correct this situation; but to do so as completely and adequately as possible and to forestall other and perhaps more complex problems, it is necessary that it become effective and operative without delay.

CHAPTER 1310

An act to amend Section 545 of the Vehicle Code, relating to traffic laws.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 545 of the Vehicle Code is amended to read:

545. Signals by Hand and Arm or Signal Device. The signals herein required shall be given either by means of the hand and arm or by signal lamp or mechanical signal device of a type approved by the department, but when the body of a vehicle or the body or load on any vehicle in a combination of vehicles projects 24 inches or more to the left of the center of the steering wheel, or under any condition when a hand and arm signal would not be visible both to the front and

rear of such vehicle or vehicles then such vehicle or vehicles must be equipped with and said signals must be given by such a lamp or device.

CHAPTER 1311

An act to amend Section 8102 of the Education Code, relating to the definition of a school month.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

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 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 1312

An act to add Section 777 to the Agricultural Code, relating to agriculture.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 777 is added to the Agricultural Code, to read:

777. Notwithstanding any other provisions contained in this chapter, in the event a marketing order is made effective, in lieu of the determinations of average percentage of soluble solids by the commissioner the director may make determinations of the average percentage of soluble solids in the juice of fresh grapes for by-product purposes, requiring the extraction or pressing out of juice and certify, by the issuance of a certificate, to marketing order advisory boards, handlers, associations, or financially interested persons the determinations and findings so made. For the purpose of carrying out the provisions of this section, the director may establish necessary regulations under the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2, of the Government Code, including reasonable fees to be charged for such services and for the acceptance of advance fees to effectuate such determination. Any fees so established shall be based upon the approximate cost of the service to be rendered. 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.

CHAPTER 1313

An act to amend Section 107 of the Welfare and Institutions Code, relating to welfare personnel.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 107 of the Welfare and Institutions Code is amended to read:

107. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department, shall prescribe their duties and fix their salaries subject to the approval of the Department of Finance, and shall require them to execute to the State such official bonds as may be required.

CHAPTER 1314

An act to amend Section 54957 of the Government Code, relating to meetings.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 54957 of the Government Code is amended to read:

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

CHAPTER 1315

An act to add Sections 1148, 1148.1, 1148.2, 1148.3, 1148.4, 1148.5, 1148.6, 1149, 1149.1, 1149.2, and 1149.3 to, and to repeal Sections 1148, 1148.1, 1148.15, 1148.2, 1148.25, 1148.26, 1148.3, 1148.35, 1148.4, 1148.45, 1148.5, 1148.52, 1148.55, 1148.6, 1148.61, 1148.62, 1148.75, 1148.85, 1148.9,

1148.91, 1148.95, 1148.96, 1149, 1149.1, 1149.11, 1149.12, 1149.13, 1149.14, 1149.15, and 1149.3 of, the Agricultural Code, relating to nursery stock.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Sections 1148, 1148.1, 1148.15, 1148.2, 1148.25, 1148.26, 1148.3, 1148.35, 1148.4, 1148.45, 1148.5, 1148.52, 1148.55, 1148.6, 1148.61, 1148.62, 1148.75, 1148.85, 1148.9, 1148.91, 1148.95, 1148.96, 1149, 1149.1, 1149.11, 1149.12, 1149.13, 1149.14, 1149.15, and 1149.3 of the Agricultural Code are repealed.

SEC. 2. Section 1148 is added to said code, to read:

Definitions

1148. As used in this chapter:

(a) "Nursery stock" includes all kinds of nursery stock except decorative plants and seeds.

(b) "Ornamental" means any plant grown for ornamental purposes, except decorative plants, dormant bulbs, tubers, roots, corms, rhizomes and pips.

(c) "Decorative plants" means indoor plants commonly grown and sold in movable containers, and which are not adapted for cultivation out of doors because of climatic conditions and natural peculiarities of habit or growth and because of the purpose of their cultivation.

(d) "Labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any nursery stock.

(e) "Advertisement" means representations, other than those on the label, disseminated in any manner or by any means, relating to nursery stock.

(f) "Grade-size" means the designation relating to nursery stock denoting the height, spread, caliper, dimension, condition, quality, age, methods of propagation or means of growth.

SEC. 3. Section 1148.1 is added to said code, to read:

Rules

1148.1. The director by rules and regulations may provide for grade-sizes of the different kinds of nursery stock, and may provide that nursery stock shall be labeled with grade-sizes when established by such rules and regulations. The director may make such other rules and regulations as are necessary to carry out the provisions of this chapter.

SEC. 4. Section 1148.2 is added to said code, to read:

Labeling

1148.2. Whenever nursery stock is sold it shall be labeled plainly and legibly as to the correct name, and also as to grade-size when so required by rules and regulations. Nursery stock on display for sale may be labeled by a sign on any block of stock of the same kind and species. Ornamentals, except roses and annual or herbaceous perennial ornamental plants, shall be labeled with the botanical name. Roses, annual or herbaceous perennial ornamental plants, and other kinds of

nursery stock shall be labeled with the recognized common name and variety.

SEC. 5. Section 1148.3 is added to said code, to read:

Condition of stock at sale

1148.3. Nursery stock when sold shall be living stock and shall not be dead, or in a dying condition, and shall not be seriously broken, frozen or damaged, and shall not be abnormally potbound Deciduous fruit and nut trees when sold shall be free from twisted, crossed, frosted, broken, or other defective roots, broken grafts and other deformations and defects which would interfere with the normal and proper development of such trees after planting.

SEC. 6. Section 1148.4 is added to said code, to read:

Unlawful sales, etc

1148.4. It is unlawful to sell, ship, deliver or transport to any purchaser any nursery stock:

(a) Not labeled in accordance with the provisions of this chapter or the rules and regulations of the director.

(b) Having false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(c) Represented to be certified or registered nursery stock unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an official agency.

SEC. 7. Section 1148.5 is added to said code, to read:

1148.5. It is unlawful:

Unlawful practices

(a) To detach, alter, deface, or destroy any label, warning tag, or notice provided for in this chapter or in the rules and regulations promulgated thereunder, or to alter or substitute nursery stock, in a manner that may defeat the purpose of this chapter.

(b) To disseminate any false or misleading advertisement concerning nursery stock in any manner or by any means.

(c) To hinder or obstruct in any way any authorized person in the performance of his duties under this chapter.

(d) To fail to comply with a warning tag or notice.

SEC. 8. Section 1148.6 is added to said code, to read:

Common carrier

1148.6. The provisions of Section 1148.4 do not apply to any common carrier in respect to any nursery stock transported or delivered for transportation in the ordinary course of its business as a carrier.

SEC. 9. Section 1149 is added to said code, to read:

Enforcement

1149. The director and the commissioners of each county of the State, their deputies and inspectors, under the supervision and control of the director, shall enforce this chapter. For the purpose of carrying out the provisions of this chapter, all enforcing officers are authorized to enter upon any public or private premises in order to have access to nursery stock subject to this chapter and rules and regulations thereunder.

SEC. 10. Section 1149.1 is added to said code, to read:

Warnings

1149.1. The director or the commissioner may issue and enforce a written or printed warning tag or notice to the owner or custodian of any lot of nursery stock which he finds is in violation of any of the provisions of this chapter, which

shall prohibit movement of such nursery stock until such officer has evidence that the law has been complied with and upon compliance such order shall be removed.

It is unlawful to move or otherwise dispose of any lot of nursery stock held under a warning tag or notice except with the permission of the director or the commissioner and for the purpose specified therein. The owner or custodian of such nursery stock upon demand shall have the right of a hearing before the director or the commissioner as to the justification of any such order, and may appeal to the director from any order of the commissioner made under the provisions of this section. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this chapter. Any decisions of the director in accordance with this section is subject to review by any court of competent jurisdiction.

SEC. 11. Section 1149.2 is added to said code, to read:

Prosecution

1149.2. When the director or the commissioner shall find that any person has violated any of the provisions of this chapter, he may institute proceedings in a court of competent jurisdiction in the area in which the violation occurred, to have such person convicted therefor, or he may file with the district attorney, with the view of prosecution, such evidence that may be deemed necessary.

SEC. 12. Section 1149.3 is added to said code, to read:

Public nuisance

1149.3. Any lot of nursery stock not in compliance with the provisions of this chapter is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner to a court of competent jurisdiction in the area in which the nursery stock is located.

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, or reconditioned, or released upon such conditions as the court in its discretion may impose to insure the nuisance will be abated.

If the owner fails to comply with the order of the court within the time specified therein, the court may order that such nursery stock be forthwith destroyed or the nuisance otherwise abated as set forth in said order.

Jurisdiction

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property is three thousand dollars ($3,000) or less; justice court shall have original jurisdiction where the value of the property is five hundred dollars ($500) or less.

CHAPTER 1316

An act to amend Sections 11101, 11107, 11111, 11115, 11116, and 11119 of, to repeal Sections 11104, 11105, 11106, 11110, 11117, 11118, 11120, and 11121 of, to repeal Article 2 (commencing at Section 11170) of Chapter 3 of Division 13 of, and to add Sections 11104, 11105, 11106, 11117, and 11120 to, the Elections Code, relating to the recall of municipal officers.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Sections 11104, 11105, 11106, 11110, 11117, 11118, 11120, 11121, and Article 2 of Chapter 3 of Division 13 of the Elections Code are repealed. Repeals

SEC. 2. Section 11101 of said code is amended to read:

11101. A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of the city. The petition shall be signed by not less than 25 percent of the voters of the city. Recall petition

SEC. 3. Section 11104 is added to said code, to read:

11104. No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk of the legislative body. Notice

SEC. 4. Section 11105 is added to said code, to read:

11105. Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the clerk of the legislative body an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. Answer

SEC. 5. Section 11106 is added to said code, to read:

11106. The notice, statement, and answer, if any, shall be published by the proponents at least once in a newspaper of general circulation published in the city or, if there be no such newspaper, then in a newspaper published in the county and of general circulation within the city. If no newspaper is so published and circulated, then copies of the notice, state- Publication

ment and answer shall be posted in three public places in the city or portion of the city wherein the recall is to be voted on.

SEC. 6. Section 11107 of said code is amended to read:

Circulation of petition, etc

11107. Seven days after the publication or posting of the notice, statement and answer, if any, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 60 days from the filing of the notice of intention.

SEC. 7. Section 11114 of said code is amended to read:

Recall election

11114. If the petition, together with supplementary petitions, if any, is sufficient, the clerk shall submit it to the legislative body of the city without delay. The legislative body shall at once order a special election to be held, not less than 60 nor more than 75 days after the date of the order, to determine whether the voters will recall the officer sought to be recalled. If a regular municipal election is to occur not more than 90 nor less than 60 days from the date of the order, the legislative body may order the special election to be held on the day of the regular election.

SEC. 8. Section 11115 of said code is amended to read:

Sample ballot

11115. The clerk shall mail to each voter at least 10 days prior to the election, a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the officer sought to be recalled. If the recall of more than one officer is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those for any other officer.

SEC 9. Section 11116 of said code is amended to read:

Ballot form

11116. There shall be printed on the recall ballot, as to each officer whose recall is to be voted on, the following question: "Shall (name of person) be recalled from the office of (title of the office)?" Following which question shall be the words "yes" and "no" on separate lines, with a voting square at the right of each, in which the voter shall indicate by stamping a cross (+) his vote for or against the recall.

SEC. 10. Section 11117 is added to said code, to read:

11117. On the recall ballots, under each question, there shall be printed the names of those persons who have been nominated in the manner provided by this code for nominations at municipal elections as candidates to succeed the incumbent if he is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

SEC. 11. Section 11119 of said code is amended to read:

Canvass of vote

11119. The vote shall be canvassed on the Monday immediately following the day of the election. If it appears that a majority of those voting at the election voted in favor of the

recall of any incumbent from office, the incumbent shall be deemed removed from office, upon the qualification of his successor.

SEC. 12. Section 11120 is added to said code, to read:

11120. If the vote recalls the officer, the legislative body shall canvass all votes for candidates for the office and declare the result as in a regular election, the candidate who has received the highest number of votes for the office shall be declared elected for the remainder of the term. If the person who received the highest number of votes fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled according to law. Results

---

CHAPTER 1317

An act to amend Section 1241 of the Civil Code, relating to homesteads.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Civil Code is amended to read:

1241. The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

1. Before the declaration of homestead is recorded, and which, at the time of such recordation, constitute liens upon the premises.

2. On debts secured by mechanics, contractors, subcontractors, artisans, architects, builders, laborers of every class, materialmen's or vendors' liens upon the premises.

3. On debts secured by encumbrances on the premises executed and acknowledged by husband and wife, or by an unmarried claimant.

4. On debts secured by encumbrances on the premises, executed and recorded before the declaration of homestead was filed for record.

SEC. 2. It is hereby declared that the amendment to Section 1241 of the Civil Code is intended as a clarification of the meaning thereof, rather than a substantive change therein, and the provisions thereof should be construed for all purposes as though they had heretofore read as set forth in this act. Legislative intent

CHAPTER 1318

An act to add Sections 73.5 and 375.5, and Chapter 4.5 (commencing with Section 209.51) to Division 3 of the Vehicle Code, relating to vehicle salesmen, and making an appropriation.

In effect September 11 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 73.5 is added to the Vehicle Code, to read:

"Vehicle salesman"

73.5. Vehicle Salesman. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(1) Is employed as a salesman by a dealer as defined in Section 73, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in a vehicle required to be registered hereunder, or

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle.

(b) The term "vehicle salesman" does not include:

(1) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual right or obligation of the employer, or in the performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Chapter 4.5 of Division 3 of this code.

(3) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(4) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so

acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

SEC. 2. Chapter 4.5 (commencing with Section 209.51) is added to Division 3 of said code, to read:

CHAPTER 4.5. VEHICLE SALESMEN

License requirement

209.51. Illegal to Act as Vehicle Salesman Without License. It shall be unlawful for any person to act as a vehicle salesman without having first procured a license issued by the department.

Application forms

209.52. Application Forms. Application forms for a vehicle salesman license shall be furnished by the department, and shall contain provisions for:

1 Name and address of the applicant.

2. Names and addresses of two character references.

3. Whether the applicant has ever been convicted of a felony in connection with the activity of a vehicle salesman.

4. Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of having misrepresented a vehicle.

5. Such other information which will touch on the moral character or fitness of the applicant.

6. Name, address, license number and certification of a licensed dealer employing the applicant.

Authority to issue etc., license

209.53. Authority to Issue, Refuse, Suspend or Revoke License. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 375.5.

(b) The department may refuse to issue, or suspend or revoke a license, when satisfied that:

1. The information contained in an application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with the activity of a vehicle salesman.

Hearing

209.54. Procedure Upon Refusal to Issue, Suspend or Revoke a Vehicle Salesman License. If the department refuses to issue, suspends or revokes a vehicle salesman license, the applicant or licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

Display of license

209.55. Display of License. The license provided for herein, upon issuance thereof by the department to the licensee, shall forthwith be delivered to and posted in a conspicuous

place on the premises of the dealer employing said licensee, and shall be thereafter continuously exhibited in such a public place while said salesman is employed by such employer. In the event a vehicle salesman's employment is terminated, the license shall be forwarded to the department by the dealer.

Automatic suspension

209.56. Automatic Suspension of License. In the event any vehicle salesman ceases to be employed by a licensed dealer, his license to act as a vehicle salesman shall be automatically suspended and his right to act as a vehicle salesman shall thereupon immediately cease, and he shall not engage in the activity of a vehicle salesman until re-employed by a licensed dealer. Every licensed vehicle salesman shall report every change of residence address within five days of such change. Failure to report, nullifies the validity of license.

Single employer

209.57. Single Employer. A vehicle salesman, as defined herein, shall not engage in such activity other than for the account of or for and on behalf of a single employer, who shall be a licensed dealer.

Expiration

209.58. Expiration of Vehicle Salesman License. Every vehicle salesman's license issued hereunder shall expire at midnight on the thirtieth day of June of each year.

Renewal

209.59. Renewal of Vehicle Salesman License. Every application for the renewal of a vehicle salesman's license which expires on the thirtieth day of June shall be made by the person to whom issued between May 1st and midnight of May 31st 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 license.

SEC. 3. Section 375.5 is added to said code, to read:

Fees

375.5. Fees to Be Paid by Vehicle Salesmen. The following fee shall be paid to the department for the issuance of a license to do business as a vehicle salesman:

(a) For the issuance of the original license or upon annual renewal ---------- $10.00.

Operative date

SEC. 4. This act shall become effective July 1, 1958.

Appropriation

SEC. 5 The sum of one hundred seventy-five thousand dollars ($175,000) is appropriated to the Department of Motor Vehicles out of the Motor Vehicle Fund in augmentation of Item 166 of the Budget Act of 1957.

CHAPTER 1319

An act to amend Section 74, to add Sections 60, 60.1, and 73 to, and to add Chapter 4 (commencing at Section 200) to Division 3 of, and to repeal Chapter 4 (commencing at Section 205) of Division 3 of, and Sections 73, 225 and 225.1 of, the Vehicle Code, relating to vehicle manufacturers, transporters, and dealers.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 60 is added to the Vehicle Code, to read:

"New vehicle"

60. New Vehicle. A new vehicle is a vehicle that has never been registered with the department, nor has ever been registered with the appropriate agency of authority of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country.

SEC. 2. Section 60.1 is added to said code, to read:

"Used vehicle"

60.1. Used Vehicle. A used vehicle is a vehicle that has been registered with the department, or has been registered with the appropriate agency of authority of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles regularly used or operated as demonstrators in the sales work of a dealer.

Repeal

SEC. 3. Section 73 of said code is repealed.

SEC. 4. Section 73 is added to said code, to read:

"Dealer"

73. "Dealer." (a) "Dealer" is a person not otherwise expressly excluded by this section, who:

(1) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration hereunder, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(2) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

(b) The term "dealer" does not include:

(1) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale

is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to the provisions of this code.

(3) Persons regularly employed as a salesman by vehicle dealers licensed under the provisions hereof while acting within the scope of such employment.

(4) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(5) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

SEC. 5 Section 74 of said code is amended to read:

"Established place of business"

74. "Established Place of Business." "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile wrecker or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer, manufacturer or automobile wrecker shall have a display, manufacturing or wrecking area, situated on the same property where business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, rooming house, apartment house building, or a part of any single or multiple unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, automobile wrecker or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A licensee holding more than one type of license issued by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business for which licensed. The place of business shall be open to inspection of pertinent records and vehicles by any peace officer during business hours.

SEC. 6. Chapter 4 (commencing at Section 205) of Division 3 of said code is repealed. Repeal

SEC. 7. Chapter 4 is added to Division 3 of said code, to read:

CHAPTER 4. ISSUANCE OF LICENSES AND CERTIFICATES TO MANUFACTURERS, TRANSPORTERS, AND DEALERS

200. Illegal to Act as Dealer Without License. On and after October 1, 1957, it shall be unlawful for any person to act as a dealer without having first procured from the department a license and certificate as required in Section 201. License requirement

201. Application for and Issuance of License and Certificate. Every manufacturer of, transporter of, or dealer in vehicles of a type subject to registration shall make application to the department upon the appropriate form for a license and certificate containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department. Application

202. Authority of Department to Issue or Refuse License and Certificate to Manufacturers, Transporters, and Dealers. The department shall have the power and the duty to issue, and for reasonable cause shown, to refuse to issue a license and certificate to any applicant applying for a manufacturer's, transporter's, or dealer's license and certificate. The department may refuse to issue to any applicant therefor a license and certificate provided for herein, if such applicant does not meet the requirements of the terms and provisions of this code relating to the conduct of the type of business for which application for a license and certificate is made. Authority to issue, etc., license

202.1. Authority of Department to Refuse to Issue License and Certificate to Manufacturers, Transporters, and Dealers Under Suspension or Revocation. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines:

(a) The applicant was previously the holder of a license and certificate issued hereunder, which license and certificate were revoke for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under the authority of this code, which were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and,

(1) That by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be

directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated, or,

(2) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude.

Application form

202.2. Form of Application. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

Fee

(d) Upon receipt of an application accompanied with the appropriate fee as provided in Section 375, the department shall within sixty (60) days, make a thorough investigation of the information contained in the application.

Suspension, etc

202 3. Suspension; Revocation; Refusal of Renewal. The department after notice and hearing may suspend, revoke or refuse to renew the license and certificate issued to a dealer, transporter, or manufacturer upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, or has violated one or more of the terms

and provisions of Division 3 (commencing at Section 140) or 6 (commencing at Section 370) of this code, or has been convicted of a felony or a crime involving moral turpitude.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Hearing

202.4. Temporary Suspension or Refusal to Renew. The department may, pending a hearing, temporarily suspend or refuse to renew the license and certificates or special plates issued to a manufacturer, transporter, or dealer, for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension. Temporary suspension, etc

Every hearing as provided for in the section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Hearing

202.5. Terms and Conditions. The department may, for just cause shown, revoke or suspend a license and certificate on such terms and conditions and for such period of time as shall appear fair and just to the director; provided, however, that no such license and certificate shall be revoked or suspended except that it shall first be shown that the licensee has been duly convicted by a hearing officer or court of competent jurisdiction of the violation of one or more of the terms and provisions of Division 3 (commencing at Section 140) or 6 (commencing at Section 370) of this code. Terms and conditions

202.6. Procedure Upon Refusal to Issue License and Certificates or Special Plates for Manufacturers, Transporters or Dealers—Hearings. (a) Upon refusal of the department to issue a license and certificate or special plates to a manufacturer, transporter or dealer the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal. Procedure upon refusal of license, etc.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Hearing

203 Signs or Devices on Established Place of Business. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less Posting of information

than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Bond

204. Bond; Service of Process. (a) Before any dealer's license shall be issued or renewed by the department to any applicant therefor, the said applicant shall procure and file with the department a good and sufficient bond in the amount of five thousand dollars ($5,000) with corporate surety thereon, duly licensed to do business within the State of California approved as to form by the Attorney General of the State of California, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a purchaser, seller, financing agency, or governmental agency.

Liability

(b) Liability under such bond is to remain at five thousand dollars ($5,000). If the amount of liability under the bond is decreased or there is outstanding a final court judgment for which the dealer and/or bonding company is liable, the dealer's license shall be automatically suspended. In order to reinstate the license and certificate, the licensee shall either file an additional bond or restore the bond in file to the original amount, or shall terminate the outstanding judgment for which he and/or the bonding company is liable.

Appointment of agent to receive service

(c) From and after the effective date of this section, a dealer's license, or renewal of such license, shall not be issued to any applicant therefor, unless and until such applicant shall file with the department a good and sufficient instrument in writing in which he shall appoint the Director of Motor Vehicles as the true and lawful agent of said applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against said applicant, arising out of any claim for damages suffered by any firm, person, association or corporation, by reason of the violation of said applicant of any of the terms and provisions of this code or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant, when personal service of process upon him cannot be made in this State after due diligence, in such a case which is served upon the Director of Motor Vehicles, or in the event of his absence from his office, upon any employee of the State of California in charge of the office of such director, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of his bond, as aforesaid. The instrument appointing the Director of Motor Vehicles as the agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case

wherein the licensee be served with process by service thereof upon the Director of Motor Vehicles three (3) copies of said process together with a fee in the amount of five dollars ($5) shall be left with said director. Not later than two (2) days after the service of said process upon him, the Director of Motor Vehicles shall mail one copy thereof to the licensee addressed to such licensee at his principal place of business, as the same appears of record in the office of the department, postpaid, by registered mail with request for return receipt. One copy shall be mailed to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered with request for return receipt. The remaining copy shall be retained on file with the Director of Motor Vehicles; provided, however, that where the licensee is served with process by service thereof upon the director, the licensee shall have and be allowed thirty (30) days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause; and provided further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

Fraud

205. Fraud. (a) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman; provided, such person has possession of a written instrument furnished by the licensee, containing stipulated provisions and guarantees which the person believes have been violated by the licensee, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of Division 3 or 6 of this code, such person shall have a right of action against such dealer, his said salesman, and the surety upon the dealer's bond, in an amount not to exceed the value of the vehicle purchased from or sold to the dealer.

(b) If the State of California or any political subdivision thereof shall suffer any loss or damage by reason of any fraud practiced on the State of California or fraudulent representation made to the State of California by a licensed dealer, or one of such dealer's representatives acting for the dealer, in his behalf, or within the scope of employment of such representatives, or shall suffer any loss or damage by reason of the violation of such dealer or representative of any of the provisions of Division 3 or 6 of this code, or Division 2, Part 5 of the Revenue and Taxation Code, the State of California or any political subdivision thereof, through the department, shall have a right of action against such dealer, his representative, and the surety upon the dealer's bond in an amount not to exceed the value of the vehicles involved.

Change in place of business, etc

206. Change of Established Place of Business. (a) The department shall not issue a dealer's license to any applicant

therefor who has not an established place of business as is defined in this code. Should the dealer change the site or location of his established place of business, he shall immediately upon making such change so notify the department. Should a dealer for any reason whatsoever, cease to be in possession of an established place of business, as in this code defined, from and on which he conducts the business for which he is licensed, he shall immediately so notify the department and upon demand therefor by the department shall deliver up unto the department such dealer's license and certificate, dealer's special plate or plates, and all report of sale books in his possession.

(b) Should the dealer change to, or add another franchise for the sale of new vehicles, or cancel or, for any cause whatever, otherwise lose a franchise for the sale of new vehicles, he shall immediately so notify the department.

Unlawful acts

207. Unlawful Acts. It shall be unlawful and a violation of this code for the holder of any license issued under the terms and provisions hereof:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 60.1 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State of California unless such amount has in fact been paid by the dealer prior to such sale.

Issue of license, etc.

208. Issuance of License and Certificate. (a) The department, upon granting a license and certificate, shall issue to the applicant a certificate and license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the same from every other plate bearing a like general distinguishing number.

(c) The department shall also furnish books and forms as it may determine necessary, said books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

Special plates

208.1. Operation of Vehicles Under Special Plates. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Section 158. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Section 158. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

Exceptions

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 208.2.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

208.2 When a Vehicle May Be Operated Without Plates. A manufacturer, transporter or a dealer in the course of his business may operate or move any vehicle of a type otherwise required to be registered hereunder without registering the same, and without license or special plates attached thereto, from a vessel, railroad depot or warehouse over the highways to a warehouse or salesroom upon first having obtained a written permit authorizing such operation from the department.

Expiration

208.3. Expiration of Special Plates and Certificate. (a) Every special plate, license, and certificate issued hereunder shall expire at midnight on the thirty-first day of December

of each year and a new plate or plates, license, and certificate for the ensuing year may be obtained by the person to whom any such expired plate or plates, license, and certificates was issued upon application to the department and payment of the fee provided in this code.

Renewal

(b) Every application for the renewal of a special plate or plates, license, and certificate 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, license, and certificate.

Repeals

SEC. 8. Section 225 of said code is repealed.

SEC. 9. Section 225.1 of said code is repealed.

CHAPTER 1320

An act to amend Section 701 of the Welfare and Institutions Code, relating to the freeing of persons from the custody and control of parents.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 701 of the Welfare and Institutions Code is amended to read:

Jurisdiction

701. The jurisdiction of the juvenile court extends also to any person who should be declared free from the custody and control of either or both of his parents. The words "person who should be declared free from the custody and control of either or both of his parents" shall include any person under the age of 21 years who comes within any of the following descriptions:

Abandoned minor

(a) Who has been left by either or both of his parents in the care and custody of another without any provision for his support, or without communication from either or both of his parents, for the period of one year with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of one year, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that either or both parents have made only token efforts to support or communicate with the child the court may declare the child abandoned by such parent or parents.

If any person under the age of 21 years has been left by either or both of his parents in the care and custody of another

without any provision for his support, or without communication from either or both of his parents, for the period of six months, the petitions provided for in Sections 720 and 721 of this code may be filed with respect to such person. The jurisdiction of the juvenile court extends to such person as fully as if such conditions had existed for a period of one year but no final decree freeing such person from the custody and control of either or both of his parents shall be entered until one year after the inception of those conditions, and then only if those conditions have existed for a period of at least one year prior to the entry of such decree.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a ward of the juvenile court, and such parent or parents deprived of his custody because of such cruel treatment or neglect, for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents. Cruelty or neglect

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a ward of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents. Parents Intemperate

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if, after investigation and service of citations as prescribed in this chapter, upon the parent or parents who are imprisoned, the court decides that the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or that the term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years. Unfit

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court, after service of citations as prescribed in this chapter upon such parent or parents, and the presentation of all the evidence, finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child. Adulterous

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be feeble-minded or insane, if the State Director of Institutions and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be feeble-minded or insane will not be capable of supporting or controlling the child in a proper manner. Insane

CHAPTER 1321

An act to amend Section 1641 of the Welfare and Institutions Code and to add Sections 1642, 1642.5 and 1642.6 thereto and to amend Section 225p of the Civil Code, relating to services by county adoption agencies to unmarried expectant mothers.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1641 of the Welfare and Institutions Code is amended to read:

Costs

1641. The cost of administering the adoption programs undertaken by a county under license issued pursuant to Section 1640 of this code shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration. The State shall reimburse the county for all such necessary administrative costs after deducting therefrom the amount of fees up to three hundred dollars ($300) collected by the county agency pursuant to Section 225p of the Civil Code.

SEC. 2. Section 1642 is added to the Welfare and Institutions Code, to read:

Agreements with physicians and hospitals

1642. Any county maintaining a licensed county adoption agency may enter into an agreement with a licensed physician and surgeon, a licensed hospital (other than a county hospital), or both, to pay all or part of the expense of prenatal care, delivery and postnatal care including hospitalization in connection therewith given to any expectant unmarried mother, when such expectant mother is in the opinion of the licensed county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid by any county or licensed county adoption agency unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

SEC. 3. Section 1642.5 is added to the Welfare and Institutions Code, to read:

Remittances

1642.5. At least once each month the county shall remit to the State Department of Social Welfare that part of the fees collected pursuant to Section 225p of the Civil Code which has been collected for the purpose of providing for the expense of prenatal care, delivery and postnatal care of expectant unmarried mothers under Section 1642 of this code. The State Department of Social Welfare shall deposit such remittances to the Special Deposit Fund in the State Treasury.

SEC. 4. Section 1642.6 is added to the Welfare and Institutions Code, to read:

1642.6. The State shall reimburse each county which provides for prenatal care, delivery and postnatal care of expectant unmarried mothers pursuant to Section 1642 of this code the actual cost of providing such care to the extent that funds deposited for that purpose are available in the Special Deposit Fund. No reimbursement shall be available to county adoption agencies nor shall any payments be made from such Special Deposit Fund for any care rendered to an expectant unmarried mother prior to January 1, 1959. Reimbursement by State

The State Department of Social Welfare shall prescribe the manner and form in which claims for reimbursement will be presented.

SEC. 5. Section 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been relinquished to the licensed county adoption agency by his parents, the county adoption agency may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the State, a fee of three hundred dollars ($300). In those counties maintaining a licensed county adoption agency the fee set forth in this section shall be increased one hundred dollars ($100) for the purpose of providing for the expense of prenatal care, delivery and postnatal care of expectant unmarried mothers pursuant to Section 1642 of the Welfare and Institutions Code. The county adoption agency may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child. Whenever the total fee is reduced to three hundred dollars ($300) or less no part of the fee paid shall be deposited in the Special Deposit Fund. Fees

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

CHAPTER 1322

An act to amend Section 3083.5 of the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3083.5 of the Welfare and Institutions Code is amended to read:

3083.5. The county shall review annually the case of every person receiving aid under this chapter to determine whether he will be eligible for aid under Chapter 3 of this part during

the ensuing year period. The review shall include consideration in detail of the work capacity of the recipient and employment opportunities in the county. The determination by the county as to the chapter under which it is to grant aid shall be subject to review by the State Social Welfare Board upon appeal by the applicant or upon request of the State Department of Social Welfare.

The State Department of Social Welfare shall establish and maintain procedures to insure that determinations by counties are based on accurate appraisals of the work capacity of the recipient and employment opportunities in the county.

CHAPTER 1323

An act to add Section 200.1 to the Welfare and Institutions Code, relating to standards of aid and relief.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 200.1 is added to the Welfare and Institutions Code, to read:

200.1. The board of supervisors of each county or the agency authorized by county charter shall adopt standards of aid and care for the indigent and dependent poor of the county or city and county, and such standards shall be open to public inspection.

CHAPTER 1324

An act to amend Section 2354.1 of the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2354.1 of the Welfare and Institutions Code is amended to read:

2354.1. In lieu of making a detailed financial investigation, the State Department of Social Welfare may accept an annual audit of the records of the organization or person made by a certified public accountant, which shall include a certification, if such is the case, that the organization or person is maintaining reserves in accordance with the requirements of Section 2351.

Each organization or person specified in Section 2350 shall have an annual audit made of its financial affairs by a certified public accountant, which audit shall include full details on per capita costs of operation and on the matter of reserves.

A copy of the audit shall be filed with the State Department of Social Welfare. Funds and property received as advance payments for maintenance of the transferors shall be reported separately from membership fees, donations or other funds available for capital expansion.

CHAPTER 1325

An act to add Section 2359.1 to the Welfare and Institutions Code, relating to care contracts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2359.1 is added to the Welfare and Institutions Code, to read:

2359.1. Any report, circular, public announcement, certificate, financial statement, or any other printed matter or advertising material which is designed for, or used to, solicit or induce persons to enter into any agreement providing for transfer of property, conditioned upon an agreement to furnish life care or care for a period of more than one year, and which lists or refers to the name of any individual or organization as being interested in or connected with the person, association, or corporation to perform the contract shall clearly state the extent of financial responsibility assumed by that individual or organization for the person, association, or corporation and the fulfillment of its contracts.

Any person, association, or corporation, that issues, delivers, or publishes, or, as manager or officer or in any other administrative capacity, assists in the issuance, delivery, or publication of any printed matter or advertising material which does not conform to the requirements of this section is guilty of a misdemeanor.

CHAPTER 1326

An act to amend Section 2300 of the Welfare and Institutions Code, relating to institutions, homes, or places of care, for aged persons.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2300 of the Welfare and Institutions Code is amended to read:

2300. No person, association, or corporation shall, without first having obtained a written license or permit therefor from

the State Department of Social Welfare or from an inspection service approved or accredited by the department, maintain or conduct any institution, boarding home, or other place for the reception or care of aged persons, nor receive or care for any such person not related to him by blood or affinity within the second degree. The provisions of this chapter do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code, or to hospitals exempt from the provisions of either or both of said chapters. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of this chapter continue to apply to the hospital or establishment in respect to such additional services.

The department shall require, as a condition to the issuance or retention of a license or permit, that any contracts made by the institution, home, or place under which payment is made in advance for care of the aged person for a period of one year or more shall be in writing and in a form approved by the department prior to its use by the institution, home, or place.

CHAPTER 1327

An act to amend Sections 2352 and 2353 of the Welfare and Institutions Code, relating to care contracts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2352 of the Welfare and Institutions Code is amended to read:

Agreements

2352. The State Department of Social Welfare may require the filing with the department of a copy of any agreement entered into between the certificate holder and transferor, by every person or organization holding a certificate of authority to receive transfers under this chapter. All agreements entered into between the certificate holder and the transferor shall be in writing and shall contain all information required under Section 2353.

The department shall require that any forms used by the certificate holder in concluding an agreement with any transferor be filed with and approved by the department prior to their use by the certificate holder. The department may contract with the Department of Insurance, on such terms as may be mutually agreeable, for any assistance of the Department of Insurance which the department may require in evaluating any submitted forms.

SEC. 2. Section 2353 of said code is amended to read:

2353. The agreement must: Form

(a) Show the value of all property transferred, including but not limited to, donations, subscriptions, fees, and any other amounts paid or payable by, or on behalf of the aged person.

(b) Show all the services which are to be provided by the person or organization to the transferor. This should include in detail all items which the transferor will receive such as board, room, medical care, clothing, burial, incidentals, and whether such items will be provided for a designated time period or for life.

(c) Be accompanied by a financial statement showing all facts pertinent to the financial condition of the certificate holder.

(d) Be furnished, together with the financial statement, to the transferor.

CHAPTER 1328

An act to amend Section 2350 of the Welfare and Institutions Code, relating to care contracts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

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 required to obtain a certificate of authority from the State Department of Social Welfare for all agreements issued after October 1, 1957, if payment or transfer of property is made in advance to cover cost of care for one year or more; provided, however, that, if any such organization or person is a nonprofit benevolent organization which accepts property in an amount less than the cost of care, the amount of reserve required of it under Section 2351 shall be reduced in the same proportion as the estimated cost of care bears to the value of the property transferred.

CHAPTER 1329

An act to amend Sections 2350.1 and 2350.5 of, and to add Section 2350.6 to, the Welfare and Institutions Code, relating to care contracts.

In effect September 11, 1957

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 2350.1 of the Welfare and Institutions Code is amended to read:

Lien to secure performance

2350.1. When necessary to secure the performance of all obligations of the certificate holder to transferors, the department may record with the recorder of any county a notice of lien on behalf of the transferors. From the time of such recording there exists a lien on all real property of the certificate holder not exempt from execution owned by him at the time or which he may afterward acquire before the release of the lien, and located within the county where such notice is recorded. The department shall file a release of the lien upon proof of complete performance of all obligations to transferors, or upon the filing of a bond meeting the conditions set forth in Section 2350.5 of this code. The department may file a release of the lien if the department deems the lien no longer necessary to secure the performance of all obligations of the certificate holder to the transferors. The certificate holder may appeal to the State Social Welfare Board from a refusal of a request for release of the lien. The decision of the board shall be subject to court review pursuant to Section 1094.5 of the Code of Civil Procedure upon petition of the certificate holder filed within 30 days of service of the decision.

SEC. 2. Section 2350.5 of said code is amended to read:

Faithful performance bond

2350.5. Before issuing the certificate of authority, the State Department of Social Welfare may, if it deems it necessary to safeguard the interests of the aged in the State, require any applicant for a certificate to file with the department, and maintain in effect during the period that the certificate of authority is in force, a bond executed by an admitted surety insurer, in an amount satisfactory to the department, conditioned that the principal will faithfully perform all obligations undertaken by him pursuant to the certificate of authority, to and for the use and benefit of all persons who may be injured or aggrieved by the failure of the principal to perform any such obligation, and any person so injured or aggrieved may bring suit on such bond, in his own name, without an assignment thereof.

SEC. 3. Section 2350.6 is added to said code, to read:

2350.6. Before issuing the certificate of authority, the State Department of Social Welfare shall require that any agent or employee of the applicant who, in the course of his agency

or employment, has access to any substantial amount of funds furnish, and maintain in effect during the period that the certificate of authority is in force, a surety bond in such form and penal sum as the department finds necessary to protect all persons from loss of the funds.

CHAPTER 1330

An act to amend Section 2351 of the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor July 3, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2351 of the Welfare and Institutions Code is amended to read:

2351. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department in consultation with the Department of Insurance. This modern up-to-date table of mortality shall be employed in connection with all care agreements entered into on or after January 1, 1958, while McClintock's table of mortality among annuitants shall be employed in connection with care agreements entered into prior to January 1, 1958. The interest assumption for such computation shall be determined by the department in consultation with the Department of Insurance. Reserves

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following: Composition

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation to the extent that such deposits are insured by that corporation.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation to the extent that such certificates are insured by such corporation.

3. Notes receivable secured by first deeds of trust and first mortgages.

4. Bonds and stocks selected from an approved list as determined by the department in consultation with the Department of Insurance and the Department of Investment. In the event stocks, bonds, and securities that are not on the approved list are part of the reserves, and if they are to be retained as part of the reserves, it shall not be necessary that such unapproved stocks, bonds, and securities be disposed of immediately, but

they shall be disposed of in accord with regulations of the department, which disposal shall be accomplished in a gradual manner so as to avoid loss to certificate holders. Securities which, although not on the approved list, should be retained in the reserve for reasons acceptable to the department may be retained with the specific approval of the department.

5 Real estate used to provide care and housing for holders of life care contracts, or equities therein, owned by the organization or person to the extent of 60 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

6. Furniture and equipment situated in property used to provide care and housing for holders of life care contracts to the extent of 50 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

7. Real estate or equities therein owned by the organization or person as an investment, the rents from which are used to discharge obligations to the holder of life care contracts or to reinvest as a part of the reserves.

8. At least 25 percent of the reserve necessary to maintain all care agreements must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act that is unable to meet the reserve requirements of this subsection may petition the department for a modification of the percentage in this reserve requirement.

Exclusion

Any person or organization which has entered into care agreements prior to October 1, 1957, but which was not required prior to September 11, 1957, to obtain a certificate of authority under this chapter, is not required to maintain reserves covering obligations assumed under any agreement entered into prior to October 1, 1957.

CHAPTER 1331

An act to amend Sections 571 and 836 of the Welfare and Institutions Code, relating to the functioning of psychopathic departments of superior courts as juvenile courts.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 571 of the Welfare and Institutions Code is amended to read:

571. 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 "juvenile court." When a psychopathic department of the superior court has before it a proceeding for the commitment of a minor as mentally ill, mentally disordered, or mentally deficient, or as a defective or psychopathic delinquent, brought pursuant to this code, such department shall, in addition to the powers it otherwise has in such cases, constitute a juvenile court and it may exercise the jurisdiction conferred by this chapter. "Juvenile courts"

SEC. 2. Section 836 of said code is amended to read:

836. All statutes of limitation relating to any charge, made in any court, against any person under the age of 21 years, shall be suspended as to such charge and person whenever and for as long a time as such person is before the juvenile court, including a psychopathic department acting as a juvenile court pursuant to Section 571, for consideration under the provisions of this chapter, or is subject to detention by virtue of any commitment issued hereunder and unrevoked. If the person is discharged by the juvenile court or is discharged by the Youth Authority without return to the committing court, such order of discharge shall constitute a bar to any further proceedings in any court against such person upon such charge. Suspension of statutes of limitation

Where a person is remanded by the juvenile court to any other court in which a suspended charge is pending against him, all statutes of limitation relating to the charge so pending against such person shall be suspended as to such person and charge from the issuance by the judge, justice, or recorder of his certificate until the juvenile court, or judge thereof, issues its mandate remanding such person for further proceedings.

CHAPTER 1332

An act to amend Section 743 of the Welfare and Institutions Code, relating to commitments of young persons to the Youth Authority.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 743 of the Welfare and Institutions Code is amended to read:

743. No ward of the juvenile court shall be committed to the Youth Authority unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline or other treatment provided by the Youth Authority.

CHAPTER 1333

An act to amend Section 1128 of the Welfare and Institutions Code, relating to mentally defective persons.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1128 of the Welfare and Institutions Code is amended to read:

1128. Any person committed to or placed in a correctional school who is epileptic, mentally deficient, or mentally ill within the meaning of this code may be discharged and recommitted for an indefinite period to a state hospital, with the prior concurrence of the Department of Mental Hygiene.

Application for such discharge and recommitment may be made to the judge of the superior court of the county in which the person is, by the Director of the Youth Authority.

Notice of the application shall be served upon such relatives of the person, or upon such other persons as the judge deems necessary or proper, in such manner as the judge deems sufficient to enable them to be heard on the application.

The order for such discharge and recommitment shall be made only if the findings of the court and the opinion of the Department of Mental Hygiene are the same as on the commitment and reception at a state home for the mentally deficient or mentally ill of other persons committed for placement therein.

CHAPTER 1334

An act to amend Section 7052 of the Welfare and Institutions Code, relating to the commitment of defective or psychopathic delinquents.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7052 of the Welfare and Institutions Code is amended to read:

7052. A petition alleging that a person named therein is a defective or psychopathic delinquent and praying that the person be committed to a state institution for defective or psychopathic delinquents may be filed in the county wherein such person resides by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the person alleged to be a defective or psychopathic delinquent.

(b) Any probation officer or district attorney.
(c) The Department of Mental Hygiene.
(d) Department of the Youth Authority.

The petition shall state the facts upon which the allegation that the person is a defective or psychopathic delinquent is based, and shall be verified by affidavit of the petitioner.

CHAPTER 1335

An act to amend Section 5052 of the Welfare and Institutions Code, relating to mental illness.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 5052 of the Welfare and Institutions Code is amended to read:

5052. For the purpose of conducting hearings pursuant to this chapter the court may be convened at any time and place within the county, suitable to the mental and physical health of the person, except that the time and place for hearing shall not be different from the time and place for the trial of civil actions if any party to the proceeding, prior to the hearing, objects to any different time or place; and provided, that if the hearing is held at any place other than a regular courtroom of the superior court five days' notice be given thereof to the patient and the petitioner, unless waived by the person or his representative, and appropriate minute order made thereof on the records of the court.

Any such hearing may be held in the psychiatric ward or unit of a county hospital and it shall be deemed that such hearing is held in a place for the trial of civil actions and in a regular courtroom of the superior court.

CHAPTER 1336

An act to amend Section 8213 of the Government Code, relating to notaries public.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 8213 of the Government Code is amended to read:

8213. Within 20 days from the beginning of the term prescribed in his commission, every person appointed a notary public shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county within which he was commissioned to act. Upon filing

the oath and bond, the county clerk shall forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder for recording.

A recording fee of two dollars ($2) shall be paid by the person appointed a notary public. Said fee may be paid to the county clerk who shall transmit it to the county recorder.

The county recorder shall record the bond and return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

CHAPTER 1337

An act to amend Section 20655 of, to add Section 20609 to, and to repeal Section 20609 of, the Government Code, relating to the State Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20655 of the Government Code is amended to read:

Redeposit Contribution rate

20655. If a state or local miscellaneous member elects pursuant to Section 20654 to redeposit withdrawn contributions which had been deposited by him as a state or local miscellaneous member, 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 such miscellaneous membership, beginning with the earliest termination of his membership included in such redeposit, to the age upon which his normal rate of contributions, as it was prior to the termination, was based.

If the member whose current service pension will be calculated either under Section 21252.1, 21252.2, 21252.3, 21252.4, or 21252.6 elects to redeposit withdrawn contributions which had been deposited by him in the same or another such membership category, 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 established under Section 20609.

SEC. 2. Section 20609 of said code is repealed. Repeal

SEC 3. Section 20609 is added to said code, to read

20609. The normal rate of contribution for a member who is credited with service in any membership category in which his current service pension will be calculated under either Section 21252.1, 21252.2, 21252 3, 21252.4, or 21252.6, and who re-enters state service in the same or another such category shall be based on the age upon which his normal rate of contribution for the preceding period of such credited service was based, increased by the number of years of any intervening absence from such category, and shall be such as will provide on the average a service retirement annuity at normal retirement age for the category entered or the later completion of 20 years' service equal to one-fourth of final compensation less one-half of the prior service pension and less the total percentage of final compensation which his contributions for such credited service were calculated to provide. In no event shall the normal rate of contribution provided under this section be such as will provide on the average a service retirement annuity in excess of $1\frac{1}{4}$ percent of final compensation for each year of current service. Contribution rate

If, upon any such re-entry into state service, the member's current service pension for service thereafter will be calculated under Section 21252.5, the normal rate of contribution thereafter shall be such as will provide on the average a service retirement annuity at age 60 equal to five-eighths of one percent of his final compensation for each year of current service which would be applicable toward the benefit formula set forth in Section 21252.5.

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

Because the rapid growth of the population in California tends to be concentrated in specified cities rather than in uniform dispersal throughout the State, a great demand arises in such cities for qualified, trained local governmental workers who must, in many cases, be recruited from other governmental agencies throughout the State. Upon transfer to a new position, for purposes of retirement system membership, it is frequently necessary to adopt a new age basis for contribution rates for safety members under the present law. This has resulted in certain inequities in contribution rates causing a reluctance on the part of members to accept positions in the rapidly expanding communities. A measure to permit the use, as the age basis, the age of the member upon his original entry into membership, with increased contributions based upon rate calculations alone, is essential to eliminate this immobility on the part of safety members, and will accelerate the recruitment of such persons whose services to cities involved are in dire need of.

CHAPTER 1338

An act to amend Sections 20607 and 20607.5 of, and to add Sections 20607.51, 21252.5 and 21364.6 to, the Government Code, relating to the State Employees' Retirement System with respect to local safety members, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 20607 of the Government Code is amended to read:

Normal contribution rates

20607. For each local safety member who became such a member of this system, or, if entitled to credit for prior service, who entered fire, police, or county peace officer service at or below age 45, excepting those local safety members whose service retirement allowances are provided under Section 21252.5, as computed under Section 20606, the normal rate of contribution shall be such as, on the average, will provide a service retirement annuity at the minimum age at which retirement for service is permitted or upon completion of 20 years of service at an age higher than the minimum which, with one-half of his prior service pension, if any (assumed for this purpose to be based on the full prior service formula applicable to his classification), will equal one-fourth of his final compensation.

SEC. 2. Section 20607.5 of said code is amended to read:

20607.5. For each local safety member who became such a member of this system, or, if entitled to credit for prior service, who entered fire, police, or county peace officer service at or below age 45, excepting those local safety members whose service retirement allowances are provided under Section 21252.5, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 55, or upon completion of 20 years of service at an age higher than 55 years, equal to one-fourth of his final compensation less one-half of his prior service pension (assumed for this purpose to be based on the full prior service formula applicable to his classification), it being the intention that the retirement allowances of such members, upon retirement at age 55 or such higher age, shall be, on the average, one-half of their final compensations, respectively.

Exclusion

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.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20607.

SEC. 3. Section 20607.51 is added to said code, to read:

Normal contribution rate

20607.51. For each local safety member whose service retirement allowance is provided under Section 21252.5, the normal rate of contribution shall be such as will provide, on the average, a monthly service retirement annuity at age 60 equal to five-eighths of 1 percent of his final compensation for each year of current service which would be applicable toward the benefit formula set forth in Section 21252.5.

SEC. 4. Section 21252.5 is added to said code, to read:

Total of combined pensions

21252.5. The combined current and prior service pensions for a local safety member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension which when added to the service retirement annuity that is derived from the accumulated normal contributions of the member shall equal the sum of the following:

(a) A temporary annuity based on age at retirement and length of service computed according to the following formula:

(1) 0.50 times the product of his age at retirement and his years of credited prior and current service not in excess of 20 years, plus

(2) 0.40 times the product of his age at retirement and his years of credited prior and current service in excess of 20 years.

(b) The percentage of final compensation set forth opposite his age at retirement in the following table multiplied by the number of years of credited current and prior service as a safety member in the employ of all contracting agencies subject to this section at the time of his retirement:

If retirement occurs at age:	The percent for each year of credited service is:
60	1.250
60¼	1.275
60½	1.300
60¾	1.325
61	1.350
61¼	1.375
61½	1.400
61¾	1.425
62	1.450
62¼	1.475
62½	1.500
62¾	1.525
63	1.550
63¼	1.575

If retirement occurs at age:	The percent for each year of credited service is:
63½	1.600
63¾	1.625
64	1.650
64¼	1.675
64½	1.700
64¾	1.725
65	1.750

Temporary annuity

The temporary annuity under subdivision (a) of this section shall not be subject to the optional settlements under Article 4 of this chapter and shall be payable monthly until the retired member attains or would have attained age 65. Should his death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

Agency's liability for prior service

The agency's liability for prior service shall be in the same proportion to the total reserves required as the years of credited prior service bear to the total years of credited service. The agency's liability for current service shall consist of the remainder of the total reserves required after deducting the liability for prior service and the accumulated normal contributions of the member.

Agencies subject to section

This section shall apply only to a contracting agency which elects to be subject hereto by an amendment to its contract or by express provision of a contract hereafter entered into; provided, the agreement executed by the board pursuant to Section 218, Social Security Act, is or has been modified to include therein the employees of the agency in positions covered or to be covered by this system as local safety members.

SEC. 5. Section 21364.6 is added to said code, to read:

Death benefit

21364.6. The special death benefit for a local safety member who is an employee of an agency subject to Section 21252.5 shall be reduced by one-half during such time as the surviving wife or minor child or children to whom it is payable are entitled to receive benefits under Old-Age and Survivors Insurance except for time during which the surviving wife is entitled to receive such benefits solely as a widow and prior to age 65.

Operative date

SEC. 6. This act shall become operative on the first day of the month next succeeding the date it takes effect.

Urgency

SEC. 7. This act is an emergency 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 of the Social Security Act for retroactive coverage under Old-Age and Survivors Insurance which permit persons to be eligible for benefits immediately upon coverage action, require that such action be taken prior to 1958.

Such coverage action must be preceded by at least 90 days' notice to the employees. Accordingly the right to retroactive coverage and thus the ability of persons now at retirement age to retire with benefits under Old-Age and Survivors Insurance will be seriously prejudiced in a contracting agency which desires a modification of its contract as authorized under this act unless the act takes effect immediately.

CHAPTER 1339

An act to add Chapter 5 to Division 12, Part 3, of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 is added to Division 12, Part 3, of the Health and Safety Code, to read:

CHAPTER 5. ANNEXATION TO FIRE DISTRICTS

Article 1. Annexation to Districts Serving Cities

14820. Territory annexed to a city which is included within and served by a district organized pursuant to this part may be annexed to the district serving such city by the adoption of a resolution by the legislative body of the city declaring such territory annexed to the district. Territory within a fire protection district may not be annexed pursuant to this section. The resolution annexing territory to a fire protection district pursuant to this section shall be effective upon the filing of copies thereof with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor. A city included in and served by more than one fire protection district shall designate in the resolution of annexation the district to which the territory is annexed.

SEC. 2. This act shall be operative with respect to city annexations completed by filing of ordinances with the Secretary of State on and after October 1, 1957.

Operative date

CHAPTER 1340

An act to amend Sections 35307 and 35311 of the Government Code, relating to the annexation of territory to cities.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 35307 of the Government Code is amended to read:

Hearing date

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 at any time after compliance with Section 35311.

SEC. 2. Section 35311 of said code is amended to read:

Publication of resolution

35311. The city clerk of the annexing city shall cause a copy of the resolution to be published at least twice, but not oftener than once a week, in a newspaper of general circulation published in the city, and also in a newspaper of general circulation published outside of the city but in the county in which is located the territory proposed to be annexed; publication to be complete at least 20 days prior to the date set for the hearing. If there is no newspaper of general circulation published within the annexing city, he shall post a copy of the resolution not less than 20 days before the hearing in at least three conspicuous places within the territory. If proceedings are initiated by petition of the owner or owners of all of the territory to be annexed publication of the resolution outside of the city is not required.

Mailing of notice

(a) The city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to each person to whom land within the territory proposed to be annexed, is assessed in the last equalized county assessment roll available on the date the proceedings were initiated, at the address shown on said assessment roll or as known to said clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said clerk.

(b) In the event any land within the territory proposed to be annexed to a city is owned by a county, the city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to the board of supervisors of such county.

Exemption from notice

The notice referred to in subsections (a) and (b) shall be given not less than 20 days before the first public hearing on the proposed annexation; provided, that such notice need not be sent if 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.

CHAPTER 1341

An act to amend Section 27640 of the Government Code, relating to county counsels.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

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 a county counsel may be appointed by the board of supervisors.

CHAPTER 1342

An act to amend Section 273d of the Penal Code, relating to wilful infliction of corporal injury on wife or child.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 273d of the Penal Code is amended to read:

273d. Any husband who wilfully inflicts upon his wife corporal injury resulting in a traumatic condition, and any person who wilfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not more than two years or in the county jail for not more than one year.

CHAPTER 1343

An act to amend Section 31641.5 of the Government Code, relating to retirement of county employees.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31641.5 of the Government Code is amended to read:

31641.5. A member who prior to his entrance into the retirement system held a position in the county service the tenure of which was such as to exclude him from membership, shall have the right to receive credit in the retirement association for all or any part of the county service he rendered, whether interrupted or not, during the time he was in county

County service credit

service before becoming a member if he elects to pay, and thereafter pays, in accordance with such election, and prior to retirement, into the retirement fund an amount equal to the contributions he would have made to the retirement fund if he had been a member during the time for which he has elected to receive credit, computed by applying the contribution rate first applicable to him upon becoming a member to the aggregate compensation he actually received during the time he was in county service and for which he has elected to receive credit, together with interest at the current rate on that amount from the time he became a member until completion of payment. Such payment may be made by lump sum or by installment payments over a period not to exceed the length of time for which the member has elected to receive credit, in such manner and at such times as the board may by rule prescribe. No member shall receive credit under this section for any service for which he has not completed payment pursuant to this section before the effective date of his retirement. A member who has elected to make such payment in installments may complete payment thereof by lump sum at any time prior to the effective date of his retirement. Any sums paid by a member pursuant to this section shall be considered to be and administered as normal contributions by the member.

Where county service prior to membership was rendered on a part-time basis, the member may receive credit for such proportion of the time he held the part-time position as the time he was actually 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.

Partial credit

A member who elects to receive credit for only a part of such county service shall elect that county service latest in time and may not receive credit for any portion of such county service prior in time to any county service for which he does not elect to receive credit.

CHAPTER 1344

An act to add Section 349.1 to the Code of Civil Procedure, relating to the limitation of time within which actions may be commenced contesting the validity of acts or proceedings for the formation, organization, incorporation or consolidation of, or for any change in the territorial boundaries of any city, county, city and county, special district, public corporation or other public entity.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 349.1 is added to the Code of Civil Procedure, to read as follows:

Period of limitation

349.1. The validity of any acts or proceedings taken under color of law for the formation, organization, incorporation or consolidation of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity shall not be contested in any action unless such action shall have been brought within six months from the date of completion of said acts or proceedings. Unless an action is commenced within said period all said acts or proceedings shall be held valid and in every respect legal and incontestable.

This section shall not amend or repeal any existing statute prescribing a shorter period of limitation than that specified herein.

Prior proceedings

SEC. 2. With respect to any acts or proceedings mentioned in this act which are taken prior to the effective date of this act, an action contesting the validity of any such acts or proceedings (which action is not already barred by laches or an existing statute of limitations) must be commenced within the period specified in this act or within six months from the effective date of this act, whichever may be later.

CHAPTER 1345

An act to add Section 349.2 to the Code of Civil Procedure, relating to the limitation of time within which actions may be commenced contesting the validity of acts or proceedings taken by or on behalf of any city, county, city and county, special district, public corporation or other entity for the authorization, issuance and sale of bonds thereof.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 349.2 is added to the Code of Civil Procedure, to read as follows:

Contest of validity

349.2. Where any acts or proceedings are taken under color of law by or on behalf of any city, county, city and county, special district, public corporation or other public entity for the authorization, sale or issuance of bonds:

(1) The validity of any such acts or proceedings for the authorization of bonds shall not be contested in any action unless such action shall have been brought within six months from the date of election authorizing said bonds, in cases where said bonds are required by law to be authorized at an election, or within six months from the date of adoption of a resolution or ordinance authorizing such bonds, in cases where bonds are not required by law to be authorized at an election;

(2) The validity of any such acts or proceedings for the sale of bonds (including all acts or proceedings taken prior thereto and providing for the issuance of such bonds) shall not be

contested in any action unless such action shall have been brought within six months from the date of sale of said bonds;

(3) The validity of any such acts or proceedings for the issuance and delivery of, or payment for, bonds shall not be contested in any action unless such action shall have been brought within six months from the date of issuance and delivery of, or payment for, said bonds.

Period of limitation

Unless an action is commenced within the applicable time hereinabove specified, said acts or proceedings for the authorization, sale or issuance of bonds shall be held valid and in every respect legal and incontestable.

This section shall not amend or repeal any existing statute prescribing a shorter period of limitation than that specified herein.

"Bonds"

As used in this section, the term "bonds" means all instruments evidencing indebtedness incurred or to be incurred for any public purpose, all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of a public body, all instruments payable from revenues or special funds, and all instruments funding or refunding any thereof or any indebtedness, but shall not include any special assessment bonds, special assessment refunding bonds, or bonds or other instruments issued to represent special assessments which are, directly or indirectly, secured by or payable from specific assessments levied against lands benefited, including bonds or other instruments issued under or pursuant to any statute, charter or ordinance providing for the improvement of streets, the opening and widening of streets, the provision for off-street parking, or the refunding of any of the same.

Prior proceedings

SEC. 2. With respect to any of the acts or proceedings mentioned in this act which are taken prior to the effective date of this act, an action contesting the validity of any such acts or proceedings (which action is not already barred by laches or an existing statute of limitations) must be commenced within the period specified in this act or within six months from the effective date of this act, whichever may be later.

CHAPTER 1346

An act to add Sections 33881.5 and 33881.6 to the Health and Safety Code, relating to community redevelopment.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 33881.5 is added to the Health and Safety Code, to read:

General obligation bonds

33881.5. The community may also issue and sell its general obligation bonds for the purpose of providing funds with which to redeem before maturity, retire at maturity, or purchase agency bonds issued under Article 3 hereof. General obligation

bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The principal amount of agency bonds proposed to be so redeemed, retired or purchased.

(b) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such agency bonds.

(c) The estimated amount of any due and unpaid interest or accrued interest on such agency bonds which must be paid at the time the same are redeemed, retired or purchased.

(d) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such agency bonds and the authorization, issuance and sale of such general obligation bonds.

All agency bonds redeemed, retired or purchased with the proceeds of such general obligation bonds shall be canceled and shall not be reissued.

SEC. 2. Section 33881.6 is added to the Health and Safety Code, to read:

Refinancing

33881.6. If the redevelopment plan contains the provision authorized by Section 33950, the agency and the legislative body of the community may, either before or after the authorization of general obligation bonds for the purposes permitted by Section 33881.5, enter into an agreement that the principal amount of any such general obligation bonds sold for such purposes, together with all interest which the community may pay thereon, shall constitute a loan by the community to the agency for the purpose of refinancing the redevelopment project, and that, subject to any prior pledge of or claim upon the moneys in the special fund provided for in said Section 33950, the moneys accruing to such special fund are irrevocably pledged to the repayment of such loan until there has been repaid to the community from time to time from such special fund the principal amount of such general obligation bonds plus all interest which the community may pay thereon, less such part, if any, of the proceeds of such general obligation bonds which were not used for such purposes, and less any premiums and accrued interest received by the community upon the sale of such general obligation bonds.

CHAPTER 1347

An act to amend Section 7311, and to add Section 7652.5 to, the Labor Code, relating to inspection of elevators, tanks and boilers.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 7311 of the Labor Code is amended to read:

Qualifications of inspectors

7311. All persons making inspection of elevators shall first secure from the division a certificate of competency to make such inspections. The division may determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualifications. Notwithstanding any other provision of the law, a qualified elevator inspector employed by an insurance company need not be a citizen or an elector. The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to an elevator inspector.

SEC. 2. Section 7652.5 is added to said code, to read:

7652.5. Notwithstanding any other provision of the law, a certified inspector employed by an insurer or by an employer for the purpose of inspecting only tanks and boilers under his jurisdiction need not be a citizen or an elector.

CHAPTER 1348

An act to amend Section 7705 of the Education Code, relating to priority points for school district public works.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 7705 of the Education Code is amended to read:

Priority in allocation of funds

7705. The board by the adoption of rules shall give priority in allocating funds to districts to those districts where the children will benefit most from additional schoolhouse facilities. This priority shall be based on acuteness of overcrowding, on sudden growth in attendance, on amount of local tax funds expended for housing of a character within the purposes of this chapter, and on the time the district's application has been ready for allotment. The board may make exceptions when it determines that it will be for the benefit of the children affected.

Priority points

In adopting rules the board may provide for the granting of priority points to govern the allocation according to the following schedule:

(a) Four priority points may be granted, either for each percent of the latest computed average daily attendance of the district that is unhoused, or for each percent of the total area of school building construction permitted by this chapter which may be included by the district in applications to the board for new construction. The number of unhoused students is the latest computed average daily attendance of the district less the sum of (1) any classrooms up to a total of two, multiplied by 25, and (2) any classrooms in excess of two, multiplied by 33.

(b) One priority point may be granted for each percent of the latest computed average daily attendance of the district

that is housed in unsafe buildings or buildings that are a serious hindrance to the education of the students. The number of students so housed is the latest computed average daily attendance of the district less the sum of (1) the average daily attendance that is unhoused and (2) the sum of any classrooms in buildings which are not unsafe or a serious hindrance to the education of the students up to a total of two, multiplied by 25, and any such classrooms in excess of two, multiplied by 33.

(c) One priority point may be granted for each 5 percent of the latest computed average daily attendance of the district that represents an increase over the average daily attendance for the fifth preceding school year.

(d) One point of priority may be granted for each one-twentieth of 1 percent of the assessed valuation of the district, collected in taxes and expended for school housing within the scope of this chapter since July 1, 1944. Expenditure of the proceeds of the sale of bonds shall not be counted but expenditure for interest and retirement of bonds shall be counted.

(e) Not more than one point of priority shall be allowed for each calendar month that the completed application of the district has awaited funds.

If any computation of priority points made under this section results in a fraction of a point, such fraction shall be disregarded and the number of priority points shall be taken as the next lowest whole number.

Recomputation

These priorities shall be recomputed at least semiannually when funds are available for allocation, on the respective periods of time next preceding the date of computation. The State Department of Education shall assist and cooperate with the board in determining priority ratings.

The latest computed average daily attendance for a district is the average daily attendance computed for the district for the last preceding school year.

No priority points shall be determined on the basis of enrollment where this section requires average daily attendance or latest computed average daily attendance.

CHAPTER 1349

An act to amend Section 3081.7 of the Civil Code, relating to loans secured by real property and securities in real estate transactions.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 3081.7 of the Civil Code is amended to read:

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.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code.

CHAPTER 1350

An act to add Section 713.5 to the Vehicle Code, relating to maximum vehicle weight limits on city streets.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 713.5 is added to the Vehicle Code, to read:

713.5. City Streets on Which Highway User Tax Funds Expended. Section 713 shall not be applicable to any city

street on which money from the State Highway Fund has been or is used for construction or maintenance except in such cases as the legislative body of the city, after notice and hearing, determines to reduce weight limits on such streets. Notice of the hearing shall be published as provided in Section 6064 of the Government Code. The notice shall advise all interested parties that they may submit written and oral objections to the proposed action and shall designate a time and place for presentation of such objections. The time for submission of objections shall not expire, and the hearing may not be held, less than 60 days after the first publication of notice. The hearing shall be held before the legislative body of the city. All objections shall be considered and interested parties shall be afforded an adequate opportunity to be heard in respect to their objections.

CHAPTER 1351

An act to amend Section 28140 of the Government Code, relating to compensation for public service in a county of the fortieth class.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 4, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 28140 of the Government Code is amended to read:

28140. In a county of the fortieth class the annual salary of each supervisor is three thousand dollars ($3,000). Each supervisor shall receive, in addition, mileage at the rate of ten cents ($0 10) per mile for each mile actually and necessarily traveled to and from his residence to the courthouse to attend regular meetings of the board of supervisors and for each mile actually and necessarily traveled when traveling by order of the board of supervisors on county business outside of the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the fees and salaries fixed pursuant to the charter of the county.

Grand jurors shall receive three dollars ($3) a day for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. Trial jurors in the superior and justice courts shall receive three dollars ($3) per day for the first day and six dollars ($6) per day thereafter during that particular trial, with mileage at the rate of eight cents ($0.08) per mile each way. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

CHAPTER 1352

An act to add Section 636 to the Unemployment Insurance Code, relating to the definition of employment.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 636 is added to the Unemployment Insurance Code, to read:

636. "Employment" does not include services performed in the employ of either a candidate for public office or a committee as defined in Section 4502 of the Elections Code, where such services are performed in connection with an election campaign.

CHAPTER 1353

An act to add Article 11 (commencing with Section 20230) to Chapter 1 of Division 10 of the Education Code, relating to condemnation of property by the University of California.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 is added to Chapter 1 of Division 10 of the Education Code, to read:

Article 11. Condemnation of Property by the Regents of the University of California

20230. The Regents of the University of California may condemn any property or interest therein for the public buildings and grounds of the University of California under the provisions of the Code of Civil Procedure relating to eminent domain. The Regents of the University of California shall not commence any such proceeding in eminent domain unless it first adopts a resolution by a two-thirds vote declaring that the public interest and necessity require the acquisition, construction or completion by the Regents of the University of California of the public improvement for which the property or interest therein is required and that the property or interest therein described in such resolution is necessary for the public improvement.

20231. The resolution of the Regents of the University of California shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such property or interest therein is necessary therefor.

(c) That such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

CHAPTER 1354

An act to amend Section 14132 of the Education Code, relating to employment of persons by public schools.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14132 of the Education Code is amended to read:

14132. Any 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. An employee in the permanent classified service who has not served the time designated by the commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission, except as otherwise provided by rules of the commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under Section 14135 1 of this code.

CHAPTER 1355

An act to amend Section 14129 of the Education Code, relating to employment of persons by public schools.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 14129 of the Education Code is amended to read:

14129. A person who has served a probationary period not to exceed six months as prescribed by the rules of the commission for his classification shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period not to exceed one year for classes designated by the commission as executive or administrative classes. The rights of appeal from disciplinary action during the probationary period shall be in accordance with the provisions of Section 14132.

CHAPTER 1356

An act to amend Sections 6 and 11 of, and to add Section 10.1 to, the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall be designated and appointed by the chief executive officers of said public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively.

Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six 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 freeholders' charter or other law applicable to such public agency; and provided further, that any member may be recalled by the unanimous vote of the governing body of the public agency from which such member is appointed.

As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or major 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 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. In lieu of one representative, any public agency may at its

option designate and appoint several representatives not exceeding one additional representative for each seventy million dollars ($70,000,000) of assessed valuation, but such representatives shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; 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. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

SEC. 2. Section 10.1 is added to said act, to read:

Sec. 10.1. Where territory is annexed to a county water authority pursuant to any of the provisions of Section 10 of this act upon terms and conditions providing for the levy of special taxes upon taxable property within such annexed territory and specifying the aggregate amount to be raised by such taxes, the governing body of the public agency of which such territory is a part may pay to the county water authority the amount so specified, or any balance thereof for which such special tax has not been levied at the time of payment. Upon receipt of such payment the amount paid shall be credited to the obligation fixed by the terms and conditions of the annexation of such territory to such county water authority, in the same manner and with the same effect as though collected by the levy of special taxes for such purpose, and such payment shall terminate the right and obligation of such county water authority to levy the special taxes provided for in such terms and conditions of annexation.

SEC. 3. Section 11 of said act is amended to read:

Sec. 11. (a) Exclusion of territory from any county water authority may be effected by either of the following methods:

(1) Territory excluded from that portion of the corporate area of any public agency which lies within the exterior boundaries of a county water authority, said public agency being a unit of said authority, and which exclusion occurs in accordance with the provisions of law applicable to such exclusions,

shall thereby be excluded from and shall no longer be a part of such authority; provided, that the taxable property within such excluded territory shall continue taxable by such county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied; provided further, that if the taxable property within such excluded territory or any part thereof shall be, at the time of such exclusion, subject to special taxes levied, or to be levied, by such county water authority pursuant to terms and conditions theretofore fixed under the provisions of paragraph (c) or paragraph (d) of Section 10 of this act for the annexation of such excluded territory or part thereof to such county water authority, the taxable property within such excluded territory or part thereof so subject to such special taxes shall continue taxable by such county water authority for the purpose of raising the aggregate sum or sums to be raised by the levy of special taxes upon taxable property within the respective annexing area or areas pursuant to terms and conditions for such annexation or annexations as so fixed and until such aggregate sum or sums shall have been so raised by such special tax levies.

Exclusion of territory from a county water authority pursuant to this subparagraph (1) shall not occur if:

(a) The governing body of such public agency which proposes to exclude a portion of its territory applies to such county water authority for consent to exclude such territory; and

(b) The same territory has theretofore been included within the corporate area of another public agency which is a unit of the same county water authority or the governing body of a public agency being a unit of the same county water authority applies to such county water authority for consent to include the same territory within its corporate area; and

(c) The board of directors of such county water authority by resolution gives its consent to such exclusion and inclusion upon such terms and conditions as it may fix; and

(d) Such exclusion and inclusion thereafter occur in accordance with the provisions of law applicable to such public agencies and in conformity with the terms and conditions fixed by such county water authority.

From and after the effective date of the inclusion of said territory by the including public agency, said territory shall be considered to be a part of the corporate area of such including agency; provided, however, that, if the taxable property within such territory or any portion thereof shall be subject to special taxes levied or to be levied by such county water authority pursuant to terms and conditions theretofore fixed under the provisions of paragraph (c) or (d) of Section 10 of this act for the annexation of such territory or portion thereof to such county water authority, then such taxable property within such territory shall continue taxable by such

county water authority for the purpose of raising the aggregate sum or sums to be raised by the levy of such special taxes, pursuant to terms and conditions for such annexation or annexations as so fixed and until such aggregate sum or sums have been so raised by such special tax levy.

(2) Any public agency whose corporate area as a unit shall have become or is a part of any county water authority may obtain the exclusion of such area therefrom in the following manner:

The governing body of any such public agency may submit to the electors thereof at any general or special election the proposition of excluding from such county water authority the corporate area of such public agency. Notice of such election shall be given in the manner provided in paragraph (c) of Section 10 hereof. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in said public agency. In the event that the majority of electors voting thereon vote in favor of such withdrawal, the result thereof shall be certified by the governing body of such public agency to the board of directors of the county water authority. A certificate of the proceedings hereunder shall be made by the secretary of the county water authority and filed with the Secretary of State; and upon the filing of such certificate the corporate area of such public agency shall be excluded from the said county water authority and shall no longer be a part thereof; provided, that the taxable property within such excluded area shall continue taxable by said county water authority for the purpose of paying the bonded and other indebtedness of said county water authority outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied; provided further, that if the taxable property within such excluded area or any part thereof shall be, at the time of such exclusion, subject to special taxes levied or to be levied by said county water authority pursuant to terms and conditions theretofore fixed under the provisions of paragraph (c) or paragraph (d) of Section 10 of this act for the annexation of such excluded area or part thereof to said county water authority, the taxable property within such excluded area or part thereof so subject to such special taxes shall continue taxable by said county water authority for the purpose of raising the aggregate sum or sums to be raised by the levy of special taxes upon taxable property within the respective annexing area or areas pursuant to terms and conditions for such annexation or annexations as so fixed and until such aggregate sum or sums shall have been so raised by such special tax levies. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of said papers in his office and the exclusion of the corporate area of such public agency from such county water authority. The Secretary of State shall transmit the original of his said certificate to the

secretary of such county water authority and shall forward a certified copy thereof to the county clerk of the county in which such county water authority is situated.

(b) Whenever territory is excluded from any public agency in accordance with the provisions of subparagraph (1) of paragraph (a) of this section, the governing body, or clerk, of such public agency shall file with the board of directors of such county water authority a statement of the change of boundaries of such public agency, setting forth the legal description of the boundaries of such public agency, as so changed, and of the part thereof within such county water authority, which statement shall be accompanied by a map or plat indicating such boundaries.

(c) Whenever any territory shall have been excluded from any public agency prior to the effective date of this section, under conditions which would have resulted in the exclusion of said territory from a county water authority had the provisions of subparagraph (1) of paragraph (a) of said section then been in effect, upon compliance with the following provisions of this paragraph (c), such territory shall be excluded from and shall no longer be a part of, said authority, the last-mentioned provisions being as follows:

(1) The governing body of such public agency, at any time after the effective date of this subparagraph (1) may adopt an ordinance which, after reciting that such territory has been excluded from such public agency by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date or dates upon which such exclusion became effective, shall describe said territory and shall determine and declare that said territory shall be, and thereby is, excluded from such county water authority.

(2) The governing body, or clerk thereof, of such public agency shall file a certified copy of such ordinance with the Secretary of State of the State of California. Upon the filing of said certified copy of such ordinance in the Office of the Secretary of State, such territory shall be excluded from and shall no longer be a part of, said county water authority; provided, that the taxable property within such excluded territory shall continue taxable by such county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of such exclusion, and until such bonded or other indebtedness shall have been satisfied; provided further, that if the taxable property within such excluded territory or any part thereof shall be, at the time of such exclusion, subject to special taxes levied or to be levied by such county water authority pursuant to terms and conditions theretofore fixed under the provisions of paragraph (c) or paragraph (d) of Section 10 of this act for the annexation of such excluded territory or part thereof to such county water authority, the taxable property within such excluded territory or part thereof so subject to such special taxes shall continue taxable by such county water authority for the purpose of

raising the aggregate sum or sums to be raised by the levy of special taxes upon taxable property within the respective annexing area or areas pursuant to terms and conditions for such annexation or annexations as so fixed, and until such aggregate sum or sums shall have been so raised by such special tax levies.

(3) Upon the filing in his office of the aforesaid certified copy of such ordinance, the Secretary of State shall, within 10 days, issue his certificate, describing such territory, reciting the filing of said certified copy of such ordinance in his office and the exclusion of said territory from such county water authority, and declaring that the said territory is no longer a part of said county water authority. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and shall forward a certified copy of his said certificate to the county clerk of the county in which such county water authority is situated.

CHAPTER 1357

An act to amend Sections 70048 and 70057 of the Government Code, relating to official phonographic reporters.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 500,000 and under 700,000, the salary of the regular official phonographic reporters shall be nine thousand six hundred dollars ($9,600) annually, and the compensation of official phonographic reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day.

Reporters' salaries

SEC. 2. Section 70057 of said code is amended to read:

70057. In a county with a population of 500,000 and under 700,000, the fee required by Section 70053 shall be eight dollars and fifty cents ($8.50).

Fee

CHAPTER 1358

An act to amend Section 731 of the Vehicle Code, relating to causing violations of the Vehicle Code.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 731 of the Vehicle Code is amended to read:

731. Offenses by Persons Owning or Controlling Vehicles. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to

cause the operation of such vehicle upon a highway in any manner contrary to law.

(b) Before any warrant of arrest shall issue following the filing of a complaint charging the owner or other person referred to in this section with an offense under this section when such person was not driving a vehicle a notice of any offense hereunder shall be given to such person, and such notice shall inform such person that unless he appears in the court to be designated in such notice within 10 days after service of such notice and answers said charge a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

CHAPTER 1359

An act to add Section 29304 to the Government Code, relating to tax and assessment proceedings.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 29304 is added to the Government Code, to read:

29304. Whenever any special assessment or special assessment taxes are levied upon land or real property by any city, county, district or other public corporation, officer, or body, and the same are to be collected by the county or any county officer, whether acting as a county officer or as an ex officio officer of the city, district, public corporation, officer, or body, there shall be added to the amount of the special assessment or special assessment tax an amount fixed by agreement between the county and city, district, public corporation, officer, or body for each special assessment or special assessment tax to be collected. An equal part of such charge shall be collected with each installment of such special assessment or special assessment tax and shall be deducted by the county officer collecting the tax and by him be paid into the general fund of the county.

CHAPTER 1360

An act to add Sections 2611.1, 2611.2, 2611.3 and 2611.4 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2611.1 is added to the Revenue and Taxation Code, to read:

Discharge from accountability

2611.1. Any county department, officer or employee charged by law with the collection of any county tax assessment, penalty or cost, license fees or money owing the county for any reason, which is due and payable, may file a verified application with the board for a discharge from accountability for the collection of the tax assessment, penalty or cost, license fees or money owing the county for any reason if the amount is so small as not to justify the cost of collection.

SEC. 2. Section 2611.2 is added to said code, to read:

Application

2611.2. The application for a discharge of accountability shall include:

(a) A statement of the nature of the amount owing.

(b) The names of the assessees or persons liable and the amount owed by each.

(c) The estimated cost of collection.

(d) Any other fact warranting the discharge, except where the board of supervisors determines that the circumstances do not warrant the furnishing of detailed information.

SEC. 3. Section 2611.3 is added to said code, to read:

Discharging order

2611.3. The board of supervisors may make an order discharging the department, officer, or employee, from further accountability and direct the county auditor to adjust any charge against said department, officer, or employee, in a like amount.

SEC. 4. Section 2611.4 is added to said code, to read:

Amounts not over one dollar

2611.4. In addition to Sections 2611.1, 2611.2 and 2611.3 of this code, and upon authorization of the board of supervisors and the approval of the county counsel, or district attorney if there is no county counsel, any county department, officer or employee may refrain from collecting any tax assessment, penalty or cost, license fees or money owing to the county where the amount to be collected is one dollar ($1) or less. County department officers or employees desiring to secure such authorization shall file an application therefor with the board of supervisors of the county, accompanied by a statement of the circumstances. Nothing in this section shall be construed as releasing any person from the payment of any tax assessment, penalty or cost, license fee or any other money which is due and owing to the county.

CHAPTER 1361

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

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:

Deposit

(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:

Distribution

(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
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
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
La Verne	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
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
Orange—Continued	
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	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
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

County and City	Percentage
Santa Barbara—Continued	
Lompoc	16
Santa Barbara	11
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

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.

(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.

(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 1362

An act to amend Section 36514 of the Government Code, relating to compensation of councilmen.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 36514 of the Government Code is amended to read:

36514. Except as provided in this section, city councilmen shall not receive any compensation other than reimbursement for actual and necessary expenses incurred in the performance of official duty. At any general election, the question of whether city councilmen, or any of them, shall receive compensation for services, and the amount of such compensation, may be submitted to the electors. If a majority of the electors voting at the election favors it, the councilmen shall receive the compensation specified in the election call. Compensation begins at the beginning of the term of office of councilmen taking office

subsequent to the canvass of the returns of the election. From that time the amount fixed is a charge against the city and payable as other salaries.

CHAPTER 1363

An act to amend Section 43638 of the Government Code, and to add Section 6405 to the Streets and Highways Code, relating to fiscal agency contracts of cities.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 43638 of the Government Code is amended to read:

Municipal improvements

43638. When municipal improvements are being made pursuant to this article, the legislative body shall make all necessary regulations for carrying out and maintaining the improvements and appoint all necessary agents to look after the construction and operation of improvements.

The board of public works shall perform these duties in cities having freeholders' charters providing for such a board.

Fiscal agent

The legislative body may contract with a specially qualified person, firm or corporation to act as fiscal agent. Such contracts may authorize the fiscal agent to act as agent for any city officer or employee in the performance of any duty required to be performed, or in taking any action authorized to be taken in connection with bonds issued pursuant to this chapter.

SEC. 2. Section 6405 is added to the Streets and Highways Code, to read:

6405. The legislative body of any city may contract with a specially qualified person, firm or corporation to act as fiscal agent. Such contracts may authorize the fiscal agent to act as agent for any city officer or employee in the performance of any duty required to be performed, or in taking any action authorized to be taken in connection with bonds issued pursuant to this part.

CHAPTER 1364

An act to amend Section 928 of the Penal Code, relating to grand jurors.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

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 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. Duties of grand juries Examination of books

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. Investigation of county officers' salaries, needs

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. Expenses

CHAPTER 1365

An act to amend Section 456 of the Code of Civil Procedure, relating to pleading of judgments and determinations.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Code of Civil Procedure is amended to read:

456. In pleading a judgment or other determination of a court, officer, or board, it is not necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made and to have become final. If such allegation be controverted, the party pleading must establish on the trial the facts conferring jurisdiction and creating finality.

CHAPTER 1366

An act to amend Section 679.05 of the Vehicle Code, relating to vehicle loading requirements.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 679.05 of the Vehicle Code is amended to read:

679.05. Transportation of Poles by Pole Dolly. The provisions of Section 679.1 shall not apply to the transportation of poles on a pole dolly by public utility companies engaged in the business of supplying electricity or telephone service or by the State Department of Public Works when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine (9) poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not more than 18 poles shall be so transported. Such poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

CHAPTER 1367

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 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

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 Division 5, Chapter 2, Article 6 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

CHAPTER 1368

An act to add Article 6 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the preservation of local government.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Article 6 is added to Chapter 1 of Division 7 of the Military and Veterans Code, to read:

Article 6. Preservation of Local Government

1550. The Legislature finds and declares that in a war, or at the start of a war, many areas widely scattered in California are prime targets for enemy attack. Some or all of these areas could be severely damaged in the first or the repeated attacks. Injured persons would be fleeing the areas hardest hit and secondary target areas would be evacuating to the less damaged or undamaged parts of the State. Declaration of purpose

While such attacks are continuing and in the reconstruction period following such attacks law and order must be preserved and so far as possible government services continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore

local services it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of a disaster is a matter of state-wide concern. The interdependence of local agencies requires that for their mutual preservation and for the protection of all the citizens of the State of California that all local agencies have the powers to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of local agencies will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this code the provisions of this article shall control. Nothing in this article shall prevent a city or county existing under a charter from amending said charter to provide for the preservation and continuation of its government in the event of a war disaster.

Definitions

1550.01. The terms set forth in this section as used in this article shall have the meanings set forth unless the context requires a different meaning.

"Local agency" means counties, cities and counties, cities, districts, authorities and other public corporations and entities in the State of California, whether organized and existing under charter or general law.

"Disaster" means a war or enemy caused calamity such as an attack by nuclear weapons which renders unavailable a majority of the legislative body of any local agency.

"Unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the legislative body of the local agency, or any remaining available members of said body (including stand-by officers who are serving on said legislative body).

"Stand-by officers" means qualified persons appointed pursuant to this article to hold themselves available to function as incumbents of the post for which they have been appointed in case of disaster.

Succession

1550.02. As soon as practicable after the effective date of this article, each local agency may provide for the succession of officers which head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

Stand-by officers:

1550.03. To provide for the continuance of the legislative and executive departments of the local agency in case of a disaster, the legislative body thereof shall have the power to appoint the following stand-by officers:

(a) Three for each member of the legislative body;

(b) Three for the elected chief executive, if said executive is not a member of the legislative body.

In case a stand-by office becomes vacant because of removal, death, resignation or other cause the legislative body shall have the power to appoint another person to fill said office.

Stand-by officers shall be designated number 1, 2 and 3 as the case may be.

1550.04. The qualifications of each stand-by officer shall be carefully investigated and a summary of the qualifications of each such officer shall be entered on the minutes when he is appointed. Each prospective appointee to a post of stand-by officer shall be examined as to his qualifications under oath. Qualifications

The legislative body may request the Director of the California Disaster Office to aid in the investigation of any prospective appointee in the manner provided in this section. No examination or investigation shall be made without the consent of the prospective appointee.

Stand-by officers shall not be officers or employees of the local agency. Should said stand-by officers become employees or officers of the local agency their post of stand-by office shall become vacant. Consideration shall be given to places of residence and work, so that for each office for which stand-by officers are appointed there shall be the greatest probability of survivorship.

1550.05. Each stand-by officer shall take the oath of office required for the officer occupying the office for which he stands by. Oath

Persons appointed as stand-by officers shall serve in their posts as stand-by officers at the pleasure of the legislative body appointing them and may be removed and replaced at any time with or without cause Stand-by officers shall receive no compensation for the performance of their duties as stand-by officers.

1550.06. Each stand-by officer shall have the following duties: Duties

(a) To inform himself of the duties of the office for which he is stand-by officer. Officers and employees of the local agency shall assist him and each local agency shall provide each stand-by officer with a copy of this article.

(b) To keep informed of the business and affairs of the local agency to the extent necessary to enable him to fill his post competently. For this purpose the local agency may arrange information meetings and require attendance.

(c) To immediately report himself ready for duty in the event of disaster at the place and in the method previously designated by the local agency.

(d) To fill the post for which he has been appointed when because of disaster it has become vacant. Stand-by Officers No. 2 and No. 3 shall substitute in succession for Stand-by Officer No. 1 in the same way that said stand-by officer is substituted in place of the regular officer. He shall serve until the recovery of the regular officer from his injuries or the election or appointment of a new regular officer.

First meeting after disaster

1550.07. The legislative body of the local agency shall meet as soon as possible after a disaster. The place of meeting need not be within the local agency. The meeting may be called by the chief executive of the local agency or by a majority of the members of the legislative body. Should there be only one member of the legislative body he may call and hold said meeting and perform acts necessary to reconstitute the legislative body.

1550.08. At the first meeting after the disaster the legislative body shall:

(a) Ascertain the damage to the local agency and its personnel and property. For this purpose it shall have power to issue subpenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that agency. Should only one member of the legislative body or only one stand-by officer be available, that one shall have power to reconstitute the legislative body.

(c) Proceed to reconstitute the local agency by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

1550.09. Should all members of the legislative body, including all stand-by members, be unavailable, temporary officers shall be appointed as follows:

(a) By the chairman of the board of supervisors of the county in which the local agency is located, and if he is unavailable,

(b) By the chairman of the board of supervisors of any other county within 150 miles of the local agency, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,

(c) By the mayor of any city within 150 miles of the local agency beginning with the nearest and most populated city and going to the farthest and least populated.

Saving clause

1550.1. If any section, subdivision, subsection, sentence, clause or phrase in this article, or the application thereof, to any persons or circumstance is for any reason held invalid the validity of the remainder of the article, or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this article and each section, subdivision, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subdivisions, subsections, sentences, clauses or phrases, or the application thereof, to any person or circumstance be held invalid.

CHAPTER 1369

An act to add Section 19611.4 to the Education Code, relating to employees of child care centers.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 19611.4 is added to the Education Code, to read:

19611.4. Every employee of a child care center who before his employment in such center was employed by the district maintaining such center in a position entitling him to membership in, and who was a member of, the retirement system maintained by such district, and if such employee's contributions to such retirement system were returned to him when he was employed in the child care center, such employee shall have the right to elect, by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system, either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of subdivision (b) of Section 14746.6 of this code, will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never had his contributions returned to him. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes, such contributions and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all prior service rendered while he was not a member of such plan.

CHAPTER 1370

An act to amend Section 2383 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 2383 of the Business and Professions Code is amended to read:

2383. The conviction of either (1) a felony or (2) any offense, misdemeanor or felony, involving moral turpitude constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense involving moral turpitude. 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 section. 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 1371

An act to add Section 637.3 to the Vehicle Code, relating to turning signals on vehicles.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 637.3 is added to the Vehicle Code, to read:

637.3. Turning Signals on Vehicles. (a) The following vehicles which are first registered on or after January 1, 1958, shall be equipped with an electrical turn signal of a type approved by the department and meeting the requirements of Section 637:

(1) All passenger type vehicles except motorcycles and motor-driven cycles.

(2) All motor trucks and truck tractors.

(3) All trailers or semitrailers having a gross weight of 6,000 pounds or more.

(b) This section does not apply to special mobile equipment, pole or pipe dollies, or auxiliary dollies.

CHAPTER 1372

An act to amend Section 29851 of the Government Code, relating to losses occasioned by the issuance of duplicate warrants.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 29851 of the Government Code is amended to read:

29851. Upon the filing of the affidavit, the auditor shall issue and deliver to the legal owner or custodian a duplicate warrant bearing the same date as the original warrant for the full amount of the original warrant, and the treasurer shall pay the duplicate in lieu of the original warrant. Any losses heretofore or hereafter incurred by reason of the issuance of duplicate warrants shall be a charge against the general fund of the county.

CHAPTER 1373

An act to amend Section 68806 of the Government Code, relating to officers and employees of the Supreme Court.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 68806 of the Government Code is amended to read:

68806. The Supreme Court may appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarians, bailiffs, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. The bailiffs shall have the powers of a peace officer in all parts of this State. Except as in this chapter otherwise provided, the Supreme Court shall determine the duties and fix and pay the compensation of all such officers and employees.

CHAPTER 1374

An act to add Sections 16302.2 and 16302.3 to the Government Code, relating to amounts required to be reported to state agencies with respect to taxes, penalties, interest, licenses or other fees, or any other payments which constitute revenue to the State.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 16302.2 is added to the Government Code, to read:

Fractional parts of one dollar

16302.2. Upon approval of the Director of Finance, any state agency with respect to any amount required to be shown on any form prescribed by the agency, or any amount of credit or refund, or any amount to be collected as a deficiency or underpayment of any tax, penalty, interest, license or other fee, or any other payment, may provide by regulation for the disregard of the fractional part of a dollar, unless it amounts to fifty cents ($0.50) or more, in which case it shall be increased to one dollar ($1).

SEC. 2. Section 16302.3 is added to said code, to read:

Exception

16302.3. Notwithstanding the provisions of Section 16302.2, state agencies may accept forms on which any amount or tax, penalty, interest, license or other fee, or any other payment is reported in dollars and cents and may compute the amount due on that basis in lieu of recomputing the amount due on the basis of regulations issued pursuant to Section 16302.2; provided, that such recomputation would not change the amount due by more than two dollars ($2).

CHAPTER 1375

An act to add Section 1444.5 to the Code of Civil Procedure, relating to escheat of funds.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1444.5 is added to the Code of Civil Procedure, to read:

1444.5. Notwithstanding any other provision of law, any money on deposit with the county treasurer of a county received from a public administrator of the county in trust and to the account of the estate of a deceased person or the creditor of a deceased person, in an amount of fifty dollars ($50) or less as to any one estate or creditor, and not covered by a decree of distribution, which was received or remained on hand after the final accounting in such deceased person's estate and the discharge of such public administrator as representative of the estate, and where the money has so remained on deposit in trust for a period of 15 years or more unclaimed by any heir, devisee or legatee of such deceased person, or by any creditor having an allowed and approved claim against the deceased person's estate remaining unpaid, shall be deemed permanently escheated to the State of California. The total of any such moneys so held in trust unclaimed for such period may be paid in a lump sum by the county treasurer, from such funds as he may have on hand for the purpose, to the State Treasurer, at the time of the next county settlement after the effective date of this section, or at any county settlement thereafter. Such lump sum payment may be made by desig-

nating it to have been made under this section, without the necessity of any further report or statement of the estates or claimants concerned, without the necessity of any order of court, and without being subject to the provisions of Section 1311 or 1312. Upon receipt by the State Treasurer, any permanently escheated money received by him under this section shall forthwith be deposited in the School Land Fund, subject only to the rights of minors and persons of unsound mind saved to them by Section 1430.

This section shall also apply in all respects to any money on deposit with a county treasurer received from the coroner of the county in trust and to the account of a deceased person, and any such money shall be held, deemed permanently escheated, reported and paid over in like manner as hereinabove set forth.

CHAPTER 1376

An act to amend Sections 24401 and 24402 of the Education Code, relating to community recreation.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24401 of the Education Code is amended to read:

24401. The purposes of this chapter are: Purposes

(a) To promote and preserve the health and general welfare of the people of the State and to cultivate the development of good citizenship by provision for adequate programs of community recreation.

(b) To authorize cities, counties, cities and counties, public corporations or districts having powers to provide recreation and public school districts to organize, promote, and conduct such programs of community recreation as will contribute to the attainment of general educational and recreational objectives for children and adults of the State.

SEC. 2. Section 24402 of the Education Code is amended to read:

24402. The following terms, wherever used or referred to Definitions in this chapter have the following meanings, respectively, unless a different meaning clearly appears from the context:

(a) "Public authority" means any city of any class, city and county, county of any class, public corporation or district having powers to provide recreation, or school district in the State.

(b) "Governing body" means, in the case of a city, the city council, municipal council, or common council; in the case of a county or city and county, the board of supervisors; in the case of a public corporation or district, the governing board of the public corporation or district; and in the case of a school district, the governing board of the school district.

(c) "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(d) "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of a public authority.

(e) "Recreation center" means a place, structure, area, or other facility under the jurisdiction of a governing body of a public authority used for community recreation whether or not it may be used also for other purposes, playgrounds, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, rooms for arts and crafts, camps, and meeting places.

CHAPTER 1377

An act to add Section 17009 to, and to amend Section 22702 of, the Public Utilities Code, relating to the use of bond proceeds.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 17009 is added to the Public Utilities Code, to read:

Amount of bonds to be issued

17009. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 2. Section 22702 of said code is amended to read as follows:

Authorized purposes

22702. District bonds may be issued and sold pursuant to this chapter for the following purposes:

(a) Raising money for purchasing real property for airport purposes.

(b) Building and purchasing buildings or structures including hangars, or making alterations, additions, or repairs to the buildings or structures.

(c) Restoring or rebuilding buildings or structures damaged or destroyed by fire or other public calamity.

(d) Supplying buildings, structures, and hangars with furnishings and necessary apparatus.

(e) Improving the grounds of airports.

(f) Acquiring and maintaining lighting equipment and all other equipment, devices, and facilities necessary or convenient for the airports.

(g) Liquidating any indebtedness incurred for these purposes or refunding any valid outstanding indebtedness of the district evidenced by bonds or warrant.

(h) Paying all costs and expenses incident to the bond election, including engineering, architectural, legal charges, fiscal agent's charges and interest during construction and for a period of not to exceed 12 months after completion of construction.

CHAPTER 1378

An act to amend the Health and Safety Code by adding thereto Sections 4625, 4797, 4997, 5581.1, 5740.21, 6655, 14354.1, 14496, and 32300.1, relating to the use of bond proceeds.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 4625 is added to the Health and Safety Code, to read:

4625. In determining the amount of bonds to be issued, the legislative body may include:

Determination of amount of bonds to be issued

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 2. Section 4797 is added to said code, to read as follows:

4797. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 3. Section 4997 is added to said code, to read as follows:

4997. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 4. Section 5581.1 is added to said code, to read as follows:

5581.1. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 5. Section 5740.21 is added to said code, to read as follows:

5740 21. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 6. Section 6655 is added to said code, to read as follows:

6655. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 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.

SEC. 7. Section 14354 1 is added to said code, to read as follows:

14354.1. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 8. Section 14496 is added to said code, to read as follows:

14496. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 9. Section 32300.1 is added to said code, to read as follows:

32300.1. 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 project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said revenue bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

CHAPTER 1379

An act to add Section 1103.02 to the Agricultural Code, relating to eggs.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1103.02 is added to the Agricultural Code, to read:

1103.02. Notwithstanding any other provision of this chapter, blood eggs to be used for breaking out purposes when prepared, loaded, shipped, or sold to, or in the possession of a licensed egg-breaking plant shall not be considered as inedible.

CHAPTER 1380

An act to amend Section 724 of the Fish and Game Code, and to amend Section 8435 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to catfish.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 724 of the Fish and Game Code is amended to read:

Catfish tags

724. Except as herein provided, catfish may not be sold. Catfish, either domestically raised or imported, which have been tagged in accordance with this section or packaged in accordance with regulations which may be prescribed by the commission, may be sold at any time. If tags are attached to catfish, each tag shall be made of plastic or metal and inscribed "C. F. & G. C." or "C. F. & G. D." The applicant for such tags shall pay the department one cent ($0.01) for each tag. One of said tags shall be affixed to each catfish, and said tags shall remain so affixed until the fish has been prepared for consumption. No tag shall be used more than once.

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9762 of the Government Code.

Effect. Stats. 1957, Ch. 456

SEC. 3. Section 2 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 724 of the Fish and Game Code adopted in 1933 is repealed.

CHAPTER 1381

An act to amend Section 786 and to repeal Section 786.5 of the Fish and Game Code, and amend Section 2365 of the Fish and Game Code as proposed by Assembly Bill No. 616, relating to lobsters.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 786 of the Fish and Game Code is amended to read:

Spiny lobsters

786. Spiny lobsters may be imported into California until the twenty-sixth day after close of the California season. Lobsters imported into California and lobsters legally taken in California during the open season prescribed in this code may be possessed and sold during the closed season subject to the rules and regulations of the commission.

The cost of inspection and marking, under the regulations of the commission, shall be paid by the importer or owner of the lobsters.

SEC. 2. Section 786.5 of said code is repealed. Repeal

NOTE: The section of the Fish and Game Code affected by this chapter appears in its proper place in that code, Chapter 456 of Statutes of 1957, as required by Section 9702 of the Government Code.

SEC. 4. Section 3 of this act shall become operative only if the Fish and Game Code as proposed by Assembly Bill No. 616 is enacted by the Legislature at its 1957 Regular Session, and in such case at the same time as Assembly Bill No. 616 takes effect; at which time Section 786 of the Fish and Game Code adopted in 1933, is repealed. Effect. Stats 1957, Ch 456

CHAPTER 1382

An act to add Chapter 10 to Part 1, Division 2, Title 5 of the Government Code, relating to the boundaries of districts.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.] In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 consisting of Sections 54970 to 54986, inclusive, is hereby added to Part 1, Division 2, Title 5 of the Government Code, to read:

CHAPTER 10. DISTRICT BOUNDARIES

54970. The powers conferred by this chapter are in addition to the powers conferred by any other law. Construction of chapter

54971. If this chapter is inconsistent with any other law, this chapter is controlling.

54972. This chapter shall be liberally construed to promote its objects.

54973. If the boundaries of any district are incorrectly described, or if by reason of the resubdivision of land, the change in property lines, the correction or relocation of city boundary lines pursuant to the provisions of Article 8 (commencing at Section 50190) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code, or for other cause, the location of the boundaries becomes indefinite, conflicts with or varies from the established property lines or other boundary lines relied on for the levy and collection of taxes or special assessments, the boundaries may be corrected or relocated to follow definite, established property lines or boundary lines pursuant to this chapter. Correction and relocation of district boundaries

54974. The corrected or relocated boundary lines shall conform as nearly as practicable to the former boundaries. Principles for changing lines

54975. Where boundary lines are corrected or relocated, the correction or relocation of the new lines shall be made in

such a manner that the majority of the area of the parcel or property affected shall not be included in or excluded from the boundaries of the affected district by such correction or relocation.

The purpose of this chapter is to authorize only minor corrections or relocations to be made, and no corrections or relocations shall be made hereunder which exclude from or include within a district property in any parcel or other property in excess of one acre in area.

Petition proposing new line

54976. The legislative body of any district the boundaries of which are incorrectly described, indefinite, or conflict with established property lines, or other boundary lines, may file with the legislative body of the county and any other affected district, or the county may file with the legislative body of any affected district, a written petition specifically describing the parcels of land affected and the proposed location of the new boundary line and requesting consent to the correction or relocation of such boundaries.

Submission to boundary commission

54977. Petitions shall be submitted to and reported upon by the boundary commission of the county prior to being filed or acted upon.

Action on petition

54978. The legislative body or bodies with which such petitions are filed shall, by resolution, either consent to or disapprove each of the corrections or relocations proposed by the petition within 30 days after receipt thereof. A certified copy of such resolution of consent or disapproval shall be forthwith filed with the clerk of the petitioning legislative body.

Resolution

54979. The initiating legislative body may thereupon, by resolution, correct, relocate or alter such boundaries to the extent to which all affected legislative bodies have consented. Such resolution shall accurately describe the corrected, relocated or altered boundaries. The enacting legislative body shall cause its clerk to transmit a certified copy of such resolution to the Secretary of State, to the board of supervisors of the county in which the affected boundaries are situated, and to the legislative bodies of all affected districts.

Filing, etc.

54980. The Secretary of State shall file the resolution and transmit certificates of the filing thereof to the clerks of the legislative bodies of all affected districts and the board of supervisors in which the districts are situated.

54981. The clerk of the legislative body initiating the proceedings shall file the statement of boundary change required by Chapter 8 (commencing at Section 54900), Part 1, Division 2, Title 5 of this code.

Effective date of boundary line change

54982. From the date of filing by the Secretary of State the correction or alteration of boundaries is complete and effective.

Liability for taxation

54983. If property is excluded from any district or included in any district pursuant to this chapter, such property shall cease to be liable for taxation for the outstanding indebtedness of the district from which it was excluded and

shall become liable to taxation for the outstanding indebtedness of any other district in which it is included.

Period of limitation to contest change

54984. No action, suit, or proceeding to set aside, avoid, cancel, annul or correct any boundary corrected or relocated hereby or any assessment or tax predicated in whole or in part thereon, or to question the validity of or to enjoin the levy or collection of assessments, taxes, tax sales, or tax deeds predicated thereon, shall be maintained by any person unless such action is commenced within six months after the filing of the resolution effecting the change by the Secretary of State, and thereafter all persons shall be barred from any such action or from any defense of invalidity of the boundaries, assessments, taxes, tax sales or tax deeds predicated thereupon.

Priority of trial

54985. In any such action the same shall be entitled to priority of trial and shall be speedily tried and judgment declared.

Appeal

54986. Any party to such action may appeal to the Supreme Court within 30 days after entry of judgment. The Supreme Court shall hear and determine the appeal within three months from the filing of the appeal.

CHAPTER 1383

An act to add Section 35002.3 to the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 35002 3 is added to the Government Code, to read:

35002.3. Territory shall not be annexed to a city if as a result of such annexation a strip of unincorporated territory less than 200 feet wide and 300 feet long is created.

This section shall apply only to annexation proceedings commenced or instituted after the effective date of this act.

This section shall be effective until the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature.

CHAPTER 1384

An act to add Sections 35121.6 and 35313 6 to the Government Code, relating to annexations.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 35121.6 is added to the Government Code, to read:

Boundary description of territory to be annexed

35121.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35121.5, it shall resubmit the boundaries as changed to the county boundary commission for report as to definiteness and certainty. Upon receipt of the report the city legislative body may, if necessary, amend the boundary description to make the boundary description definite and certain.

SEC. 2. Section 35313.6 is added to the Government Code, to read:

35313.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35313.5, it shall resubmit the boundaries as changed to the county boundary commission for report as to definiteness and certainty. Upon receipt of the report the city legislative body may, if necessary, amend the boundary description to make the boundary description definite and certain.

CHAPTER 1385

An act to amend Section 34080 of the Government Code, relating to cities.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 34080 of the Government Code is amended to read:

34080. The clerk of the legislative body conducting the proceeding shall file with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Annexation of territory to, or exclusion of territory from, a city.

(f) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been filed. If the proceeding is a proceeding for the annexation of territory to a city the territory shall, except as expressly provided in Sections 35146 and 35318, be deemed to be unincorporated territory until the affidavit required by this section is filed by the city clerk.

CHAPTER 1386

An act to amend Sections 31527, 31532, 31641.9, 31645, and 31676.1 of, repeal Sections 31652 and 31652.1 of, and add Sections 31652 and 31652.2 to, the Government Code, relating to county retirement systems.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 31527 of the Government Code is amended to read:

Permissible regulations

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 all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

(f) For the periodic physical examination, at county expense, of safety members.

SEC. 2. Section 31532 of the Government Code is amended to read:

Statements confidential

31532. Sworn statements and individual records of members shall be confidential and shall not be disclosed to anyone except insofar as may be necessary for the administration of this chapter or upon order of a court of competent jurisdiction.

SEC. 3. Section 31641.9 of the Government Code is amended to read:

Contributions

31641.9. All contributions made by a member, pursuant to Sections 31641.1, 31641.2, 31641.3 and 31641.4 shall be considered to be, and shall be administered as, normal contributions but shall not be matched by the county upon retirement of the member.

SEC. 4. Section 31645 of the Government Code is amended to read:

Credit for prior service

31645. Except as provided in Sections 31641.5 or 31648 credit for prior service, whether interrupted or not, shall be granted to each person who has rendered such service as defined in or pursuant to this chapter, and who has become a member of the retirement system within one year after it becomes operative or at any time prior to October 1, 1953, whichever is the later, or within six months after discharge from military service.

Repeal

SEC. 5. Sections 31652 and 31652.1 of the Government Code are repealed.

SEC. 5.1. Section 31652 is added to the Government Code, to read:

Redeposit of contributions

31652. Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of re-entrance into the retirement system, and his membership, subject to the provisions of Section 31652.2, is the same as if unbroken by such termination. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service. Such member's rate of contribution shall be based on age at the nearest birthday at the time of reentrance into the system.

SEC. 5.2. Section 31652.2 is added to the Government Code, to read:

Re-entrance into retirement system

31652.2. Any member who leaves county service, withdraws his accumulated normal contributions and subsequently reenters the retirement system, regardless of whether he redeposits such contributions pursuant to Section 31652 or not, shall not be eligible to receive any of the benefits provided by Article 7.5, 8, 8.3 or 9, until he has rendered not less than five years of service after his re-entrance into the retirement system, or reaches the compulsory retirement age, whichever first occurs.

SEC. 6. Section 31676.1 of the Government Code is amended to read:

Applicability of section

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the ninety-first day following the adjournment of the 1953 Session of the Legislature. This section may be made applicable in any other

county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed sixty-five percent (65%) of the member's final compensation.

Additional pension

Age of retirement	Fraction	
	Men	Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350

Age of retirement	Fraction Men	Women
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1.1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in Section 31583 or 31624 or in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

CHAPTER 1387

An act adding Sections 31454.6, 31564.5, and 31627.6 to, and amending Section 31557 of, the Government Code, relating to county retirement systems.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31454.6 is added to the Government Code, to read:

Additional appropriations

31454.6. Whenever, in any county subject to the provisions of Section 31676.1 the board of supervisors makes any additional appropriations pursuant to Section 31454.5, the governing body of every district, including the board of supervisors where it is the governing body, also shall make an additional appropriation in the amount to which it has agreed, otherwise in the same proportion as the total pay roll deductions from the salaries of all members employed by such district for the latest pay roll period bear to the total pay roll deductions from the salaries of all members employed by the county for the same pay roll period.

SEC. 2. Section 31557 of the Government Code is amended to read:

Inclusion of district employees

31557. All officers and employees of any district become members of the association on the first day of the calendar month after:

(a) In the case of districts for which the board of supervisors is the governing body, such body adopts by four-fifths vote a resolution providing for the inclusion of the district in the retirement association.

(b) In the case of districts for which the board of supervisors is not the governing body, the governing body adopts by a two-thirds vote, a resolution providing for the inclusion of the district in the retirement association and the board, by majority vote, consents thereto. Thereafter each person entering such employ becomes a member on the first day of the calendar month following his entrance into the service.

Members may be withdrawn from the association in the manner provided in Section 31564.

SEC. 3. Section 31564.5 is added to the Government Code, to read:

Contracts re costs of system

31564.5. Whenever the governing body of a district for which the board of supervisors is not the governing body adopts a resolution for the inclusion of such district in the retirement association, if, in the opinion of the board because of conditions peculiar to such district the contributions required from such district by this chapter are insufficient to pay the same proportion of the costs of the system as will be paid by the county, the board may require that such district contract with the board to appropriate additional sums. If, because of conditions peculiar to such district the contributions required from such district by this chapter are greater than necessary to pay the same proportion of the costs of the system as will be paid by the county, the board and such district may contract for lesser sums. Either of such contracts may provide, among other things, that whenever the board of supervisors makes an additional appropriation pursuant to Section 31454 5, the district also will make an additional appropriation calculated by a formula specified in such contract. All such districts are hereby authorized to enter into and perform such contracts.

SEC. 4. Section 31627.6 is added to the Government Code, to read:

Credit for district employment

31627.6. Whenever any member elects to receive credit for any time during which he was employed by a district and was not a member, under any provision of this chapter, such district shall make an additional appropriation equal to the amount which it would have appropriated had such member been a member during the time for which he has elected to obtain credit.

CHAPTER 1388

An act amending Sections 31720 and 31720.2 of, and repealing Sections 31720.3 and 31720.4 of, the Government Code, relating to disability retirement.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 31720 of the Government Code is amended to read:

Disability retirement

31720. Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:

(a) His incapacity is a result of injury or disease arising out of and in the course of his employment, or he has completed 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.

SEC. 2. Section 31720.2 of the Government Code is amended to read:

Physical examination

31720.2. In any county or district or court 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 been given and has not passed such an examination shall not be retired for disability pursuant to this article.

Repeal

SEC. 3. Sections 31720.3 and 31720.4 of the Government Code are repealed.

Legislative intent

SEC. 4. The provisions of subdivisions (a) and (b) of Section 31720 of the Government Code as amended by this act shall be construed as restatements and continuations of Sections 31720.3 and 31720.4 of the Government Code as they read immediately prior to their repeal by this act, and not as new enactments.

CHAPTER 1389

An act to amend Section 10112 of the Insurance Code and to add Section 1518 to the Probate Code, relating to insurance contracts of minors.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 10112 of the Insurance Code is amended to read:

Minor's competency

10112 In respect to life or disability insurance, or annuity contracts, heretofore or hereafter issued to or upon the life of any person not of the full age of 21 years for the benefit of such minor or for the benefit of the father, mother, husband, wife, child, brother, or sister, of such minor, or issued to such minor, subject to written consent of a parent or guardian, upon the life of any person in whom such minor has an insurable interest for the benefit of himself or such minor's father, mother, husband, wife, child, brother or sister, such minor shall not, by reason only of such minority, be deemed incompetent to contract for such insurance or annuity, or for the surrender thereof, or to exercise all contractual rights thereunder, or, subject to approval of a parent or guardian, to give a valid discharge for any benefit accruing or for any money payable thereunder; provided, that all such contracts made by a minor under the age of 16 years, as determined by the nearest birthday, shall have the written consent of a parent or guardian, and that the exercise of all contractual rights under such contracts, or the surrender thereof, or the giving of a valid discharge for any benefit accruing or money payable thereunder, in the case of a minor under the age of 16 years, as determined by the nearest birthday, shall have the written consent of a parent or guardian.

Assumption of liability by parent

All such contracts made by a minor not of the full age of 21 years which may result in any personal liability for assessment shall have the written assumption of any such liability by a parent or guardian in consideration of the issuance of the contract. Such assumption shall be in a form approved by the commissioner, reasonably designed to inform the parent or guardian of the liability thus assumed.

Such assumption of liability may be made a part of and included with any written consent of such parent or guardian required under other provisions of this section and it may be provided therein that such assumption shall cover only up to the anniversary date of the policy nearest to the member's birthday at which he attains age 21.

SEC. 2. Section 1518 is added to the Probate Code, to read:

Guardian's application of funds

1518. Subject to court approval, a guardian of a minor may apply any funds held by him as such guardian for the purpose of effecting or maintaining in force any contract entered into by the minor ward under Section 10112 of the Insurance Code.

CHAPTER 1390

An act to add Section 5019.5 to the Public Resources Code, relating to park and recreational area development plans.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5019.5 is added to the Public Resources Code, to read:

5019.5. Before any park or recreational area developmental plan is made, the Director of Natural Resources shall cause to be made a land carrying capacity survey of the proposed park or recreational area, including in such survey such factors as soil, moisture, and natural cover.

CHAPTER 1391

An act to add Section 1241.6 to the Water Code, relating to the appropriation of water.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1241.6 is added to the Water Code, to read:

1241.6. When water appropriated for irrigation purposes is not used by reason of compliance with crop control or soil conservation contracts with the United States, and in other cases of hardship as the State Water Rights Board may by rule prescribe, the three-year forfeiture period applicable to water appropriated pursuant to the Water Commission Act or this code, and the forfeiture period applicable to water appropriated prior to December 19, 1914, shall be extended by an additional period of not more than 10 years or the duration of any crop control or soil conservation contracts with the United States if less than 10 years.

CHAPTER 1392

An act to add Section 1295.5 to the Penal Code, relating to bail and deposits instead of bail.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1295.5 is added to the Penal Code, to read:

1295.5. In lieu of the deposit in cash authorized by Section 1295 and when the bail does not exceed one thousand dollars ($1,000), the defendant may deposit a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code of the State of California in the amount of the bail endorsed on the warrant or fixed by the order of the court. The surety bond shall be in the form provided by law, which form has been approved by a judge of the superior court of the county or city and county. The fact that the form has been so approved shall be stamped or printed upon the bond. Authority to accept such surety bond shall include the authority to approve the same in accordance with instructions for the receipt, approval and transmittal of such bond previously issued by the presiding magistrate of the court having jurisdiction in the area in which the jail wherein the defendant is detained is situated. Upon such deposit of a surety bond being made the defendant must be discharged from custody. The surety bond so deposited shall be transmitted to the judge or clerk of the court by which the warrant was issued not later than the next business day.

CHAPTER 1393

An act to amend Section 13833 of the Education Code, relating to compensation of certificated employees.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 13833 of the Education Code is amended to read:

13833. Where the governing board of any school district arranges to pay persons employed by it in 12 equal payments for the year, it may pay each monthly installment at the end of each calendar month, whether or not the persons are actually engaged in teaching during the month.

Notwithstanding the provisions of Section 13835, in the event any such person dies during the school year, his estate shall be entitled to receive, as salary owed to the decedent, an amount equal to the salary paid the decedent prior to his death subtracted from the amount equal to that portion of his annual salary as bears the same ratio to the established annual salary for his position as the number of days of the school year (as defined in Section 8101) during which he was employed prior to his death bears to the total number of days of the school year.

The provisions of this section shall apply to the payment of salaries earned during the 1956-57 school year and thereafter.

CHAPTER 1394

An act to amend Section 72604 of the Government Code, relating to the fees of official reporters of municipal courts of judicial districts in Los Angeles County.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 72604 of the Government Code is amended to read:

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 thirty-five dollars ($35) per day. All other fees of such reporters for transcriptions shall be as provided in Sections 69947 to 69953 of the Government Code

---

CHAPTER 1395

An act to add Section 1238.6 to the Code of Civil Procedure, relating to eminent domain.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 1238.6 is added to the Code of Civil Procedure, to read:

1238.6. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Protection, preservation, or reclamation of land, whether covered or uncovered by water, against the overflow or incursion of water or the threat thereof, or against the effects of subsidence of the surface of said land, as by constructing levees or by filling, diking, draining or other appropriate remedial method.

CHAPTER 1396

An act to amend Sections 621 and 637 of the Vehicle Code, relating to lamps on vehicles.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 621 of the Vehicle Code is amended to read:

Rear lamps, etc., on vehicles

621. Rear Lamps and Reflectors. (a) Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles at the time specified in Section 618 hereof shall be equipped with one or more lighted rear lamps exhibiting red light plainly visible from a distance of 500 feet to the rear except that every vehicle or the vehicle at the end of a train of vehicles which vehicle or train of vehicles is subject to the special speed regulations in Section 515 and every new vehicle other than a motorcycle or motor-driven cycle first registered after January 1, 1958, shall be equipped with not less than two such lighted rear lamps which shall be mounted at the left and right side respectively on the rear of the vehicle. Whenever any vehicle is equipped with two rear lamps, as required or permitted by this section, both of such lamps shall be lighted during the time specified in Section 618 hereof, except that such lamps may flash as a part of a turn signal lamp.

(b) Either such a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate and render it clearly legible from a distance of 50 feet to the rear. When the rear license plate is illuminated by a lamp other than a required rear lamp said two lamps shall be turned on or off only by the same control switch at all times and the light source of the additional lamp shall have a minimum of 3 standard candlepower and a maximum of 15 standard candlepower.

(c) Every red rear lamp upon a vehicle or the vehicle at the end of a train of vehicles which vehicle or train of vehicles is subject to the special speed regulations in Section 515 shall be equipped with red lenses not less than $2\frac{1}{8}$ inches in diameter or $6\frac{1}{2}$ square inches in area and the light source shall not be less than 3 nor more than 15 standard candlepower and the voltage at any socket of light source as required in Sections 621 and 625 shall not be less than 85 percent of the design voltage of the battery supplying the current to such light source.

(d) Every vehicle or the vehicle at the end of a train of vehicles which vehicle or train of vehicles is subject to the special speed regulations in Section 515 shall also be equipped with two red reflectors not less than three inches in diameter or seven square inches in area mounted on the left and right side respectively on the rear of the vehicle at a height not to

exceed 60 inches nor less than 24 inches above the ground and so designed and maintained as to be visible at night from all distances within 500 feet from such vehicle when directly in front of a motor vehicle displaying lawful lighted headlamps, not depressed. The engineering requirements for these reflectors shall be governed by specifications to be determined and publicized by the department.

(e) Every motor truck weighing unladen 3,000 pounds or more or any trailer coach operated outside the limits of incorporated cities and not heretofore required to be equipped with reflectors shall be equipped with a reflector on the rear thereof which reflector shall comply with the requirements of this section.

(f) Any reflector of the button or other multiple unit type shall contain not less than seven such units with a total of not less than three square inches of reflecting surface. The red reflectors herein required may be separate units or a part of the red rear lamps, but in either event such red reflectors and tail lamps shall comply with all of the requirements of this section, and any said reflector constituting an integral part of a rear lamp shall comply with all photometric requirements applicable to a separate reflector.

SEC. 2. Section 637 of said code is amended to read:

Signal devices, etc.

637. Signal Lamps and Signal Devices. (a) Every motor vehicle and every vehicle at the end of a train of vehicles shall at all times be equipped with not less than one stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brake and which may but need not be incorporated with a tail lamp. Every new vehicle, other than a motorcycle or motor-driven cycle, first registered after January 1, 1958, shall be equipped with not less than two such stop lamps. Such stop signals shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stop lamps on a vehicle of a size required to be equipped with clearance lamps under Section 625 shall be visible from a distance of 500 feet during such times. Whenever any vehicle is equipped with two stop lamps, as required or permitted in this section, both of such stop lamps shall be in good working order. The stop lamp on that side of a vehicle toward which a turn will be made may flash as part of the turn signal lamp.

(b) Any vehicle may be equipped, and when required under Section 545 or 637.5 shall be equipped, with a lamp-type turn signal system or semaphore turn signal device capable of clearly indicating any intention to turn either to the right or to the left. Such signal shall be plainly visible and understandable in normal sunlight and at nighttime from a distance of at least 300 feet to the front and rear of the vehicle, except that turn signals on vehicles of a size required to be equipped

with clearance lamps under Section 625 shall be visible from a distance of 500 feet during such times.

(c) Any lamp-type signal device used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and red or amber flashing light visible to the rear.

(d) Any semaphore signal device on a vehicle shall be illuminated when in use during the times mentioned in Section 618 either by a light or reflex reflectors rendering likewise visible the signals thereby as specified in subdivision (b) of this section.

(e) Every signal and device shall comply with the engineering requirements and specifications, including mounting instructions, determined and publicized by the department.

CHAPTER 1397

An act to add Section 1806 to the Streets and Highways Code, relating to city streets.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 1806 is added to the Streets and Highways Code, to read:

1806. No public or private street or road shall become a city street or road until and unless the governing body, by resolution, has caused said street or road to be accepted into the city street system; nor shall any city be held liable for failure to maintain any road unless and until it has been accepted into the city street system by resolution of the governing body.

CHAPTER 1398

An act to amend Section 24404 of the Education Code, relating to community recreation.

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

In effect September 11, 1957

The people of the State of California do enact as follows:

SECTION 1. Section 24404 of the Education Code is amended to read:

24404. The governing body of any public authority may cooperate with the Federal Government or any department thereof, and the governing bodies of any two or more public authorities may cooperate with each other or with the Federal Government or any department thereof to carry out the purposes of this chapter, 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

purposes of this chapter, or to establish, improve or maintain campgrounds or other recreation facilities under the control of the Federal Government or any department thereof.

The governing bodies of any two or more public authorities having jurisdiction over any of the same territory or over contiguous territories may jointly establish a system or systems of recreation, and may jointly do any act which either is authorized to do under Section 24403. Nothing in this chapter shall be construed to prohibit any joint or cooperative action authorized by this section.

CHAPTER 1399

An act to add Section 5004.5 to the Education Code, relating to school cafeterias and the transfer of funds from the school district general fund to the cafeteria fund, cafeteria account, and the child care center fund.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 5004.5 is added to the Education Code, to read:

5004.5. Notwithstanding any other provision of the Education Code, and for the purpose of achieving clarity in the budgeting and reporting of school district expenditures by funds, whenever certain expenses are authorized or required to be paid from the general fund of the school district and the governing board so authorizes, the amount estimated or actually required to meet these expenditures shall be transferred or paid from the general fund to the cafeteria fund, the cafeteria account, or the child care center fund.

Any amount transferred or paid in excess of the amount actually required shall be refunded to the general fund.

The Superintendent of Public Instruction is hereby authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

CHAPTER 1400

An act to add Article 6 to Chapter 1, Part 3 of Division 5 and to add Sections 4668, 4669, 4670 and 4671 to the Health and Safety Code, relating to the annexation of territory to municipal sewer districts and county sewer districts.

In effect September 11, 1957

[Approved by Governor July 4, 1957. Filed with Secretary of State July 5, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 is added to Chapter 1, Part 3, of Division 5 of the Health and Safety Code, to read:

Article 6. Annexation

City territory annexable to sewer district

4641. Territory which is within the boundaries of any city and which is not within the boundaries of any other sewer district formed pursuant to this chapter may be annexed to any existing sewer district by the governing body of the city.

Resolution by city governing body

4642. Whenever the governing body of a city determines and finds that additional territory will be benefited by annexation to an existing sewer district within the city, it shall pass a resolution to that effect.

4643. The resolution shall be passed by a vote of two-thirds of all the members of the governing body of the city and be approved by the mayor.

4644. The resolution shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name and number.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion of any land described in the resolution.

Publication

4645. The resolution, together with the names of the members of the governing body, voting for and against it and the name of the mayor approving it shall be published for at least two weeks successively next before the day fixed for the hearing in a newspaper of general circulation printed and published in the city.

Hearing of protests

4646. On the day fixed for the hearing, or any day to which the hearing is adjourned, the governing body shall hear and consider any objections presented to the annexation of the territory to the district or to the inclusion of any territory proposed to be annexed. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the government body that the territory proposed to be annexed will be benefited by such annexation, the governing body shall proceed to fix and determine the boundaries of the territory to be annexed to the district.

Annexation order

4647. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the governing body shall order the annexation of the territory so described. This resolution, together with the names of the members of the governing body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the governing body.

Rights and liabilities of annexed territory

4648. Whenever any territory situated within the city 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. 2. Sections 4668, 4669, 4670 and 4671 are added to the Health and Safety Code, to read:

Annexable contiguous unincorporated territory

4668. Unincorporated territory situated within the same county and which is contiguous to a district formed under this chapter, and not included in any other district formed for similar purposes, may be annexed to an existing district, if the board of supervisors finds and determines that the additional territory will be benefited by annexation and that the district will be benefited by the inclusion of the territory therein.

Annexation procedure

4669. Whenever one-third of the voters resident in any unincorporated territory in a county desire to annex territory to an existing sewer district within the county, formed pursuant to this chapter, they shall file a petition with the board of supervisors of the county. The petition shall describe the exterior boundaries of the area proposed to be annexed and shall pray for the annexation of said territory. Upon the filing of such a petition the board of supervisors shall set a day for a hearing of any and all objections by any persons interested in the annexation of the described territory to such sewer district, and shall publish a notice of the petition, time and place of hearing, and a description of the exterior boundaries of the territory proposed to be annexed for 10 days in some daily newspaper in the nearest municipal corporation, if there is one, if not, the publication shall be made weekly for two successive weeks in a weekly paper published in the nearest municipality.

Publication of notice

Hearing etc.

4670. On the day fixed for the hearing or any day to which the hearing is adjourned the board of supervisors shall hear and consider any objections presented to the annexation of the territory described in the petition to the district. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board of supervisors that the territory will be benefited by the annexation and that the district will be benefited by the annexation of the territory, the board of supervisors shall proceed to fix and determine the boundaries of the area to be annexed. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, the board of supervisors shall order the annexation and shall set forth the boundaries of the territory to be annexed. This resolution, together with the names of the members of the board of supervisors voting for and against the resolution, shall be spread upon the minutes of the board of supervisors.

Annexation order

Rights and liabilities of annexed territory

4671. 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.